

DIGEST

SENATE AND HOUSE BILLS ENACTED
BY THE
SIXTY-FIFTH GENERAL ASSEMBLY
OF THE
STATE OF COLORADO
(2005 - First Regular Session)

NOTE: The Digest is available on the Official Colorado State Legislative Home Page at: www.leg.state.co.us
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PREFACE

Publication of the Colorado Revised Statutes occurs several months following the end of each regular legislative session. Prior to such publication, the Office of Legislative Legal Services prepares the Digest of Bills and Concurrent Resolutions as required under section 2-3-504, C.R.S. The Digest consists of summaries of all bills and concurrent resolutions enacted by the Sixty-fourth General Assembly at its Second Regular Session ending May 9, 2005. The summaries include the dates bills are approved and the effective dates of the bills. The Digest also includes an alphabetical subject index and several reference tables. The Digest is not a substitute for the text of the bills or for provisions of the Colorado Revised Statutes, but gives the user notice of and summary information on recent changes to the statutes.

HOW TO USE THE DIGEST

1. The summaries of bills and proposed state constitutional amendments begin on page 1.
1. To determine the page on which the summary of a particular bill may be found, refer to the Conversion Table, beginning on page xv.
2. To identify bills by subject area, refer to the bill summaries section for that subject area or the subject index, beginning on page 1.
3. To determine the approval date and the effective date of a particular bill, refer to the information immediately following the bill summary. To determine the effective date, you may also refer to the Conversion Table, beginning on page xv.
4. To convert a particular bill number to a chapter number in the Session Laws, refer to the Conversion Table, beginning on page xv.
5. To identify bills that were vetoed by the Governor or that became law without the Governor's signature, refer to page viii.
6. To identify bills that were enacted without a safety clause, refer to page ix.
7. To identify bills that were originally recommended by a 2004 interim committee, refer to page x and xi.
8. For statistics concerning the number of bills and concurrent resolutions introduced and passed in the 2005 session compared to the two prior sessions, see the Legislative Statistical Summary, page vii.
9. To identify bills that have effective dates of July 1 and later, see the listings

beginning on page xii.

10. The general assembly adjourned sine die on the 118th legislative day, May 9, 2005. Accordingly, the 90-day period following adjournment in which referendum petitions may be filed in accordance with section 1 of article V of the state constitution for bills that do not contain a safety clause expires on Sunday, August 7, 2005. The effective date for such bills is therefore 12:01 a.m., on Monday, August 8, 2005, the day following the expiration of the 90-day period. However, in accordance with section 1-1-106 (5), Colorado Revised Statutes, the Secretary of State has indicated that any referendum petitions must be filed on or before Friday, August 5, 2005.

Individual copies of enacted bills and concurrent resolutions may be obtained from the House Services Office (for House material) and the Senate Services Office (for Senate material) in the State Capitol Building and will also be published in the Session Laws of Colorado 2005.

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LEGISLATIVE STATISTICAL SUMMARY

	2005		2004		2003	
	Intro	Passed	Intro	Passed	Intro	Passed
Senate Bills	249	180	261	150	354	239
House Bills	353	222	465	286	382	221
Concurrent Resolutions	18	1	44	2	18	0
Bills signed by Governor	343		420		441	
Bills becoming law without Governor's signature	12		4		8	
Bills partially vetoed by the Governor	2		3		3	
Bills vetoed by the Governor	47		6		11	
Bills referred to the People	2		0		1	

BILLS VETOED BY THE GOVERNOR:

H.B. 05-1001	H.B. 05-1133	H.B. 05-1239	S.B. 05-025	S.B. 05-134
H.B. 05-1007	H.B. 05-1145	H.B. 05-1241	S.B. 05-028	S.B. 05-139
H.B. 05-1020	H.B. 05-1147	H.B. 05-1245	S.B. 05-040	S.B. 05-142
H.B. 05-1042	H.B. 05-1152	H.B. 05-1255	S.B. 05-061	S.B. 05-169
H.B. 05-1061	H.B. 05-1162	H.B. 05-1304	S.B. 05-069	S.B. 05-174
H.B. 05-1070	H.B. 05-1179	H.B. 05-1318	S.B. 05-078	S.B. 05-204
H.B. 05-1087	H.B. 05-1207	H.B. 05-1331	S.B. 05-082	S.B. 05-214
H.B. 05-1109	H.B. 05-1216	H.B. 05-1332	S.B. 05-098	S.B. 05-223
H.B. 05-1115	H.B. 05-1224	H.B. 05-1342	S.B. 05-102	S.B. 05-230
H.B. 05-1121	H.B. 05-1237			

BILLS BECOMING LAW WITHOUT GOVERNOR'S SIGNATURE:

H.B. 05-1014	H.B. 05-1191	S.B. 05-050
H.B. 05-1101	H.B. 05-1196	S.B. 05-182
H.B. 05-1113	H.B. 05-1246	S.B. 05-217
H.B. 05-1125	H.B. 05-1309	
H.B. 05-1165		

BILLS WITH PORTIONS VETOED BY THE GOVERNOR:

S.B. 05-130
S.B. 05-209

BILLS ENACTED WITHOUT A SAFETY CLAUSE:*

H.B. 05-1020 v	H.B. 05-1136	H.B. 05-1236	S.B. 05-008	S.B. 05-103
H.B. 05-1038	H.B. 05-1137	H.B. 05-1237 v	S.B. 05-015	S.B. 05-104
H.B. 05-1039	H.B. 05-1145 v	H.B. 05-1241 v	S.B. 05-016	S.B. 05-106
H.B. 05-1040	H.B. 05-1147 v	H.B. 05-1245 v	S.B. 05-020	S.B. 05-141
H.B. 05-1044	H.B. 05-1148	H.B. 05-1247	S.B. 05-024	S.B. 05-143
H.B. 05-1048	H.B. 05-1149	H.B. 05-1251	S.B. 05-029	S.B. 05-153
H.B. 05-1057	H.B. 05-1151	H.B. 05-1268	S.B. 05-031	S.B. 05-155
H.B. 05-1058	H.B. 05-1165	H.B. 05-1277	S.B. 05-033	S.B. 05-160
H.B. 05-1062	H.B. 05-1166	H.B. 05-1286	S.B. 05-038	S.B. 05-162
H.B. 05-1067	H.B. 05-1168	H.B. 05-1288	S.B. 05-040 v	S.B. 05-165
H.B. 05-1076	H.B. 05-1179 v	H.B. 05-1290	S.B. 05-043	S.B. 05-170
H.B. 05-1084	H.B. 05-1180	H.B. 05-1297	S.B. 05-051	S.B. 05-182
H.B. 05-1101	H.B. 05-1182	H.B. 05-1299	S.B. 05-078 v	S.B. 05-187
H.B. 05-1102	H.B. 05-1184	H.B. 05-1304 v	S.B. 05-080	S.B. 05-191
H.B. 05-1104	H.B. 05-1192	H.B. 05-1307	S.B. 05-081	S.B. 05-204 v
H.B. 05-1105	H.B. 05-1198	H.B. 05-1313	S.B. 05-093	S.B. 05-231
H.B. 05-1107	H.B. 05-1200	H.B. 05-1314		
H.B. 05-1115 v	H.B. 05-1205	H.B. 05-1320		
H.B. 05-1119	H.B. 05-1207 v	H.B. 05-1325		
H.B. 05-1131	H.B. 05-1225	H.B. 05-1328		
	H.B. 05-1230	H.B. 05-1331 v		

* These bills become effective on August 8, 2005, or on the date otherwise specified in the bill. For further explanation concerning the effective date, see page vi of this digest.
v Vetoed

**BILLS RECOMMENDED BY 2004 INTERIM AND STATUTORY
COMMITTEES THAT WERE ENACTED:**

**COMMITTEE ON LEGAL
SERVICES**

H.B. 05-1097 S.B. 05-183
H.B. 05-1337

LEGISLATIVE AUDIT COMMITTEE

H.B. 05-1003 S.B. 05-002
H.B. 05-1078 S.B. 05-010
H.B. 05-1139 S.B. 05-016
S.B. 05-042
S.B. 05-053

**INTERIM COMMITTEE ON
ECONOMIC DEVELOPMENT**

H.B. 05-1046
H.B. 05-1048

**MENTAL ILLNESS IN THE
CRIMINAL JUSTICE SYSTEM**

H.B. 05-1034

**JOINT BUDGET COMMITTEE
(OTHER THAN SUPPLEMENTALS)**

H.B. 05-1086 S.B. 05-159
H.B. 05-1196 S.B. 05-162
H.B. 05-1201 S.B. 05-172
H.B. 05-1213 S.B. 05-176
H.B. 05-1261 S.B. 05-196
H.B. 05-1264 S.B. 05-210
H.B. 05-1278 S.B. 05-211
H.B. 05-1279 S.B. 05-226
H.B. 05-1285 S.B. 05-229
H.B. 05-1310 S.B. 05-249
H.B. 05-1330

**POLICE OFFICER'S AND
FIREFIGHTER'S PENSION
REFORM COMMISSION**

H.B. 05-1002 S.B. 05-008
S.B. 05-043

v - vetoed

(cont.)

**SUNSET/SUNRISE REVIEW
PROCESSES**

S.B. 05-144

S.B. 05-145

S.B. 05-146

S.B. 05-147

S.B. 05-148

S.B. 05-149

S.B. 05-150

**WATER RESOURCES REVIEW
COMMITTEE**

S.B. 05-011

S.B. 05-045

**TRANSPORTATION LEGISLATION
REVIEW COMMITTEE**

H.B. 05-1247 S.B. 05-009

S.B. 05-036

v - vetoed

ACTS WITH JULY 1, 2005, AND LATER EFFECTIVE DATES:

JULY 1, 2005

HOUSE BILLS

H.B. 05-1008	H.B. 05-1092	H.B. 05-1169	H.B. 05-1203	H.B. 05-1306
H.B. 05-1014*	H.B. 05-1108	H.B. 05-1170	H.B. 05-1213	H.B. 05-1336
H.B. 05-1029	H.B. 05-1110	H.B. 05-1172	H.B. 05-1218	H.B. 05-1338
H.B. 05-1034	H.B. 05-1122	H.B. 05-1174	H.B. 05-1250*	H.B. 05-1344
H.B. 05-1045	H.B. 05-1139	H.B. 05-1183	H.B. 05-1269	H.B. 05-1347
H.B. 05-1055	H.B. 05-1140	H.B. 05-1187	H.B. 05-1285	
H.B. 05-1066	H.B. 05-1141	H.B. 05-1188	H.B. 05-1287	
H.B. 05-1069	H.B. 05-1160	H.B. 05-1202	H.B. 05-1302	

SENATE BILLS

S.B. 05-003	S.B. 05-039	S.B. 05-098 v	S.B. 05-147	S.B. 05-181*
S.B. 05-012	S.B. 05-053	S.B. 05-131	S.B. 05-148	S.B. 05-190
S.B. 05-013	S.B. 05-066	S.B. 05-137*	S.B. 05-149	S.B. 05-202
S.B. 05-014	S.B. 05-068	S.B. 05-142 v	S.B. 05-150	S.B. 05-211
S.B. 05-034	S.B. 05-075	S.B. 05-145	S.B. 05-172	S.B. 05-222
S.B. 05-036	S.B. 05-092	S.B. 05-146	S.B. 05-176	S.B. 05-244*

* portions only

v - vetoed

ACTS WITH JULY 1, 2005, AND LATER EFFECTIVE DATES (cont):

AUGUST 8, 2005*

HOUSE BILLS

H.B. 05-1020 v	H.B. 05-1084	H.B. 05-1151	H.B. 05-1205	H.B. 05-1286
H.B. 05-1038	H.B. 05-1102	H.B. 05-1165	H.B. 05-1207 v	H.B. 05-1288
H.B. 05-1039	H.B. 05-1104	H.B. 05-1166	H.B. 05-1225	H.B. 05-1290
H.B. 05-1040	H.B. 05-1105	H.B. 05-1168	H.B. 05-1230	H.B. 05-1299
H.B. 05-1044	H.B. 05-1107	H.B. 05-1179 v	H.B. 05-1236	H.B. 05-1307
H.B. 05-1048	H.B. 05-1115 v	H.B. 05-1180	H.B. 05-1237 v	H.B. 05-1313
H.B. 05-1057	H.B. 05-1131	H.B. 05-1182	H.B. 05-1241 v	H.B. 05-1314
H.B. 05-1058	H.B. 05-1136	H.B. 05-1184	H.B. 05-1245 v	H.B. 05-1320
H.B. 05-1062	H.B. 05-1137	H.B. 05-1192	H.B. 05-1247**	H.B. 05-1325
H.B. 05-1067	H.B. 05-1145**v	H.B. 05-1198	H.B. 05-1251	H.B. 05-1328
H.B. 05-1076	H.B. 05-1147 v	H.B. 05-1200	H.B. 05-1268	H.B. 05-1331 v
	H.B. 05-1148			

SENATE BILLS

S.B. 05-008	S.B. 05-040 v	S.B. 05-093	S.B. 05-153	S.B. 05-182
S.B. 05-015	S.B. 05-043	S.B. 05-094	S.B. 05-155	S.B. 05-187
S.B. 05-016	S.B. 05-051	S.B. 05-104	S.B. 05-160	S.B. 05-191
S.B. 05-020	S.B. 05-078 v	S.B. 05-106	S.B. 05-162	S.B. 05-204 v
S.B. 05-029	S.B. 05-080	S.B. 05-141	S.B. 05-165	S.B. 05-231
S.B. 05-038	S.B. 05-081	S.B. 05-143	S.B. 05-170	

* These bills do not have a safety clause and do not have an effective date specified in the bill. For further explanation concerning the effective date, see page vi of this digest.

** portions only

v - vetoed

JULY 28, 2005

SENATE BILLS
S.B. 05-138*

SEPTEMBER 1, 2005

HOUSE BILLS	SENATE BILLS
H.B. 05-1214	S.B. 05-031
H.B. 05-1318 v	

OCTOBER 1, 2005

HOUSE BILLS
H.B. 05-1149

NOVEMBER 7, 2005

HOUSE BILLS
H.B. 05-1304 v

DECEMBER 1, 2005

SENATE BILLS
S.B. 05-024

DECEMBER 31, 2005

HOUSE BILLS
H.B. 05-1119

JANUARY 1, 2006

JULY 1, 2006

HOUSE BILLS	SENATE BILLS	HOUSE BILLS	SENATE BILLS
H.B. 05-1064	S.B. 05-033	H.B. 05-1014*	S.B. 05-082 v
H.B. 05-1101	S.B. 05-037	H.B. 05-1247	S.B. 05-132*
H.B. 05-1113	S.B. 05-100*		S.B. 05-137*
H.B. 05-1156*	S.B. 05-103		
H.B. 05-1250*	S.B. 05-107		
H.B. 05-1266	S.B. 05-168		
H.B. 05-1277	S.B. 05-181*		
H.B. 05-1297	S.B. 05-214*		
H.B. 05-1312			
H.B. 05-1337*			

JANUARY 1, 2007

HOUSE BILLS
H.B. 05-1019

REFERRED MEASURES:

HOUSE BILLS	SENATE
H.B. 05-1194	CONCURRENT
H.J.R. 05-1057	RESOLUTIONS
	S.C.R. 05-005

* portions only

v - vetoed

TABLE OF ENACTED HOUSE BILLS -- 2005

BILL NO.	PRIME SPONSOR	SHORT TITLE	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE OF DIGEST
1001	GARCIA, SANDOVAL	PROHIB CASH FUND USE FOR GEN PURPOSES	VETOED 5/27/2005			108
1002	STENGEL, EVANS	FPPA CONFIDENTIAL INVESTMENT INFORMATION	APPROVED 3/11/2005	3/11/2005	7	95
1003	VIGIL, TAYLOR	FINANCIAL INSTITUTION FEE ASSESSMENTS	APPROVED 2/23/2005	2/23/2005	2	78
1007	GARCIA, SANDOVAL	NOTARY PUBLIC TRAINING JOURNAL	VETOED 4/28/2005			166
1008	RAGSDALE, SPENCE	CHANGE MOTOR VEHICLE BUS GROUP TO DIV	APPROVED 2/23/2005	7/1/2005	3	155
1011	RIESBERG, WILLIAMS	TRASH RECYCLABLE LOADS TRANSPORTATION	APPROVED 4/5/2005	4/5/2005	24	155
1013	CLOER, TAPIA	CT APPOINTED REPS CRIM HISTORY CHECKS	APPROVED 6/3/2005	6/3/2005	266	30
1014	CARROLL T., GROSSMAN	SUBSTANTIVE CHANGES TO CRIMINAL LAW	BECAME LAW 6/9/2005	PORTIONS ON 7/1/2005 AND 7/1/2006	321	33
1015	ROMANOFF, JOHNSON	MEDICAID SUBSTANCE ABUSE TREATMENT	APPROVED 5/26/2005	5/26/2005	163	127
1016	WHITE, TOCHTROP	PHYSICAL THERAPISTS CORPORATE PRACTICE	APPROVED 4/22/2005	4/22/2005	95	166
1017	MCGIHON, HAGEDORN	CONFORMS MEDICAID TO FED REFERRAL LAWS	APPROVED 4/7/2005	4/7/2005	44	127
1019	HOPPE, VEIGA	VEHICLE OWNER ID REGISTRATION TITLE APP	APPROVED 6/1/2005	1/1/2007	199	155
1020	CERBO, TAKIS	UNEMPLOY INS BENEFITS ALTERN BASE PERIOD	VETOED 5/25/2005			147
1024	SOLANO, WILLIAMS	DROPOUT PREVENTION GRANT PROGRAM	APPROVED 5/24/2005	5/24/2005	148	45
1025	STAFFORD, HAGEDORN	PRESUMPTIVE ELIGIBILITY UNDER MEDICAID	APPROVED 4/22/2005	4/22/2005	96	127
1026	KING, WINDELS	EDUCATOR LICENSURE	APPROVED 4/7/2005	4/7/2005	45	46
1027	JAHN, GROFF	HIGH SCHOOLS COLLEGE PREPARATION	APPROVED 5/24/2005	5/24/2005	149	57
1029	MASSEY, ISGAR	CELL PHONES AS PRISON CONTRABAND	APPROVED 5/27/2005	7/1/2005	173	34
1032	ROSE, ISGAR	PUD MODIFICATION	APPROVED 6/1/2005	6/1/2005	200	91
1034	STAFFORD, WINDELS	JUVENILE COMPETENCY	APPROVED 6/3/2005	7/1/2005	267	12
1035	HALL, WILLIAMS	MORE ACCESS TO SEX OFFENDER REGISTRY	APPROVED 5/27/2005	5/27/2005	174	34
1036	TODD, WILLIAMS	SCHOOL DISTRICT INTERNET SAFETY PLAN	APPROVED 4/14/2005	4/14/2005	72	46
1037	HARVEY, GROFF	MEDICAL ASSISTANCE FOR ADOPTED CHILDREN	APPROVED 3/31/2005	3/31/2005	21	128
1038	CADMAN, GORDON	AUTOMATIC TERMINATION OF CHILD SUPPORT	APPROVED 3/25/2005	NO SAFETY CLAUSE	17	12

BILL NO.	PRIME SPONSOR	SHORT TITLE	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE OF DIGEST
1039	CURRY, ISGAR	LOAN INSTREAM FLOW RIGHT 3 OF 10 YEARS	APPROVED 3/25/2005	NO SAFETY CLAUSE	18	198
1040	BALMER, TAKIS	REAL ESTATE BROKER FINGERPRINTS CBI	APPROVED 6/3/2005	NO SAFETY CLAUSE	268	166
1041	KNOEDLER, TUPA	RECORDS OF HIGHER ED FOUNDATIONS	APPROVED 5/24/2005	5/24/2005	151	58
1042	BOYD, VEIGA	EMERGENCY CONTRACEPTION FOR SURVIVORS	VETOED 4/5/2005			123
1044	JUDD, MITCHELL	UNCLAIMED PROPERTY OFFSET OBLIGATIONS	APPROVED 6/1/2005	NO SAFETY CLAUSE	201	109
1045	DECKER, WILLIAMS	RADAR JAMMING DEVICES PROHIBITED	APPROVED 4/22/2005	7/1/2005	97	156
1046	MCCLUSKEY, LAMBORN	DYNAMIC MODELING FOR TAX POLICY CHANGES	APPROVED 6/1/2005	6/1/2005	202	81
1048	MAY M., LAMBORN	SPECIAL DIST BUS INCENTIVE AGREEMENTS	APPROVED 4/5/2005	NO SAFETY CLAUSE	25	97
1051	CURRY, ISGAR	CO WATERSHED PROTECTION CHECKOFF	APPROVED 6/1/2005	6/1/2005	191	181
1053	BERENS, HANNA	CHECKOFF FOR MILITARY PERSONNEL	APPROVED 5/27/2005	5/27/2005	188	181
1055	RAGSDALE, JOHNSON	RESTITUTION HARMING SERVICE ANIMAL	APPROVED 4/7/2005	7/1/2005	46	34
1056	HEFLEY, SANDOVAL	INCOME TAX CHECKOFF FOR ALZHEIMER'S ASSN	APPROVED 5/12/2005	5/12/2005	142	182
1057	FRANGAS, SANDOVAL	NOTICE POSTSECONDARY ED OPPORTUNITIES	APPROVED 5/2/2005	NO SAFETY CLAUSE	131	47
1058	LISTON, MCELHANY	BASIC RIGHTS FOR MOBILE HOME OWNERS	APPROVED 4/5/2005	NO SAFETY CLAUSE	26	172
1059	McFADYEN, VEIGA	EXEMPTION FROM UNSOLICITED FACSIMILES	APPROVED 5/4/2005	5/4/2005	133	23
1060	MARSHALL, VEIGA	REFORM COVERCOLORADO TAX CREDITS	APPROVED 4/22/2005	4/22/2005	98	141
1061	MERRIFIELD, ENTZ	LANDLORD & TENANT RELATIONS	VETOED 5/5/2005			173
1062	JUDD, TAKIS	MATTERS AFFECTING SHERIFF'S SERVICES	APPROVED 4/14/2005	NO SAFETY CLAUSE	73	86
1063	POMMER, ENTZ	CLUC REVIEW LOCAL GOV ORDERS	APPROVED 6/1/2005	6/1/2005	192	110
1064	MAY M., WILLIAMS	AUTHORIZE REGIONAL TRANSP AUTHORITIES	APPROVED 6/3/2005	NO SAFETY CLAUSE 1/1/2006	269	192
1065	JUDD, DYER	NAME CHANGE FILING AND PUBLICATION	APPROVED 2/23/2005	2/23/2005	4	30
1066	MADDEN, SANDOVAL	OBESITY TREATMENT UNDER MEDICAID	APPROVED 5/26/2005	7/1/2005	164	128
1067	BUESCHER, TECK	COUNTY FIRE PROTECTION	APPROVED 4/14/2005	NO SAFETY CLAUSE	74	86
1068	RAGSDALE, ISGAR	RESERVE PERSONALIZED LICENSE PLATES	APPROVED 4/7/2005	4/7/2005	47	156
1069	RAGSDALE, WILLIAMS	EMERGENCY SIGNAL LAMPS COLLECTORS	APPROVED 4/7/2005	7/1/2005	48	156
1070	WEISSMANN, GROSSMAN	WATER CONSERVATION	VETOED 5/31/2005			198
1075	BROPHY, HILLMAN	NONDRIVING ALCOHOL VIOLATION RECORDS	APPROVED 6/1/2005	6/1/2005	193	156

BILL NO.	PRIME SPONSOR	SHORT TITLE	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE OF DIGEST
1076	McCLUSKEY, GROSSMAN	P.O.S.T. BOARD	APPROVED 4/5/2005	NO SAFETY CLAUSE	27	110
1078	VIGIL, TUPA	CO INTEGRATED CRIM JUSTICE INFO SYS	APPROVED 3/25/2005	3/25/2005	19	35
1082	BALMER, TOCHTROP	PARKS REC NONPROFIT ED INTERPRETIVE SVCS	APPROVED 3/11/2005	3/11/2005	8	161
1083	BALMER, HANNA	NATL GUARD PROPERTY AND MEDALS	APPROVED 5/27/2005	5/27/2005	189	152
1084	KING, KELLER	RESIDENTIAL TREATMENT SERVICE RATES	APPROVED 4/5/2005	NO SAFETY CLAUSE	28	134
1086	PLANT, TAPIA	REINSTATE MEDICAID FOR LEGAL IMMIGRANTS	APPROVED 2/2/2005	PORTIONS 1/1/2005 AND UPON IMPLEMENTATION AND NOTICE	1	128
1087	LINDSTROM, WILLIAMS	INTERNATIONAL ED PROGRAMS PUBLIC SCHOOLS	VETOED 6/2/2005			47
1088	McFADYEN, GROFF	ED FOR CHILDREN OF INCARCERATED PARENTS	APPROVED 6/2/2005	6/2/2005	242	48
1092	SOLANO, TAKIS	SUTA DUMPING COMPLIANCE UNEMPL INS RATE	APPROVED 5/25/2005	7/1/2005	155	147
1093	SOLANO, SHAFFER	ADOPTIVE PARENT CRIM HISTORY CHECK	APPROVED 5/26/2005	5/26/2005	165	13
1097	HEFLEY, GROSSMAN	ENACTMENT OF 2004 C.R.S.	APPROVED 2/23/2005	2/23/2005	5	178
1098	WHITE, ISGAR	COLORADO TOURISM BOARD OF DIRECTORS	APPROVED 3/2/2005	3/2/2005	6	110
1101	McGIHON, SHAFFER	HEALTH COVERAGE DEPENDENT CHILD	BECAME LAW 6/9/2005	NO SAFETY CLAUSE 1/1/2006	322	141
1102	LINDSTROM, SPENCE	MOTOR CARRIER ANNUAL VEHICLE ID FEE	APPROVED 3/11/2005	NO SAFETY CLAUSE	9	176
1104	BERENS, WILLIAMS	INCREASE MAX PENALTY FOR TOLL EVASION	APPROVED 5/27/2005	NO SAFETY CLAUSE	171	156
1105	McGIHON, VEIGA	UNEMPLOYMENT BENEFITS DOMESTIC ABUSE	APPROVED 4/20/2005	NO SAFETY CLAUSE	87	148
1107	LARSON, WILLIAMS	RECODIFY MOTOR VEHICLE REGISTRATION	APPROVED 6/3/2005	NO SAFETY CLAUSE	270	156
1108	LARSON, BACON	PRIVILEGED COMMUNICATIONS PEER SUPPORT	APPROVED 3/25/2005	7/1/2005	20	30
1109	HEFLEY, JOHNSON	JUV CONVICTED AS ADULT SENTENCE REFORM	VETOED 5/27/2005			35
1110	DECKER, BACON	RETAIL METHAMPHETAMINE PRECURSOR DRUGS	APPROVED 5/27/2005	7/1/2005	172	36
1113	MARSHALL, FITZ-GERALD	WORKERS' COMP DISABILITY PAYMENT LIMITS	BECAME LAW 6/9/2005	1/1/2006	323	148
1115	CERBO, GROSSMAN	EMPLOYEE ACCESS PERSONNEL FILE	VETOED 5/25/2005			148
1119	BUTCHER, TAPIA	ELECTRONIC PAYMENT INSURANCE PREMIUMS	APPROVED 4/22/2005	NO SAFETY CLAUSE 12/31/2005	99	142
1121	CARROLL T., MITCHELL	SUBSTITUTE PROCESS SERVICE SEC OF STATE	VETOED 6/1/2005			31

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1122	COLEMAN, GROFF	ALCOHOLIC BEVERAGES IN MOTOR VEHICLES	APPROVED 6/3/2005	7/1/2005	271	157
1125	VIGIL, MITCHELL	CHARITABLE CONTRIBUTION DEDUCTION	BECAME LAW 4/8/2005	4/8/2005	57	182
1126	MAY M., GROFF	REGULATE WASTE TIRE HAULERS	APPROVED 6/1/2005	6/1/2005	203	123
1130	CLOER, HANNA	ELECTRONIC MONITORING PRESCRIPTION DRUGS	APPROVED 6/3/2005	6/3/2005	272	167
1131	CLOER, TOCHTROP	AUTHORITY TO REDISPENSE UNUSED MEDS	APPROVED 6/3/2005	NO SAFETY CLAUSE	273	129
1133	PLANT, GORDON	ENERGY EFFICIENCY PROGRAM FUNDING	VETOED 6/3/2005			176
1136	DECKER, EVANS	PICTORIAL NOTARY PUBLIC DOS RULES	APPROVED 4/20/2005	NO SAFETY CLAUSE	88	167
1137	GARCIA, JOHNSON	USE OF CELL PHONE WHILE DRIVING	APPROVED 4/14/2005	NO SAFETY CLAUSE	75	158
1139	COLEMAN, TAKIS	INCREASE WORKER'S COMP ENFORCEMENT	APPROVED 4/7/2005	7/1/2005	49	149
1140	BENEFIELD, WINDELS	MOTOR VEHICLE REGISTRATION RENEWAL	APPROVED 4/27/2005	7/1/2005	118	158
1141	HARVEY, TOCHTROP	POSITIVE BIRTH DRUG TEST AS CHILD ABUSE	APPROVED 5/26/2005	7/1/2005	166	13
1143	BORODKIN, FITZ-GERALD	TASK FORCE ON TRAFFICKING IN PERSONS	APPROVED 4/5/2005	4/5/2005	29	36
1145	WHITE, TOCHTROP	LICENSE REGULATE PLUMBERS	VETOED 5/27/2005			168
1146	MASSEY, HAGEDORN	INCENTIVES FOR MOTION PICTURE INDUSTRY	APPROVED 6/1/2005	6/1/2005	204	110
1147	WEISSMANN, TUPA	PETITION CIRCULATOR REQUIREMENTS	VETOED 6/1/2005			75
1148	MADDEN, MITCHELL	STATEWIDE TOLLING ENTERPRISE	APPROVED 6/3/2005	NO SAFETY CLAUSE	274	193
1149	STENGEL, VEIGA	CORP DELINQUENCY ADMIN DISSOLUTION	APPROVED 6/3/2005	NO SAFETY CLAUSE 10/1/2005	275	26
1151	FRANGAS, VEIGA	HIGHWAY CONSTRUCTION FINES SAFETY	APPROVED 6/3/2005	NO SAFETY CLAUSE	276	158
1152	FRANGAS, HAGEDORN	LOWER COST PRESCRIPTION DRUGS	VETOED 6/1/2005			129
1156	RIESBERG, GROSSMAN	WATER ADJUDICATION NOTICE REQUIREMENTS	APPROVED 4/5/2005	PORTIONS UPON PASSAGE AND ON 1/1/2006	30	198
1157	RIESBERG, SHAFFER	LIMITING SUPPL EVALS IN DIVORCE	APPROVED 6/3/2005	6/3/2005	277	14
1159	CRANE, HANNA	SALE OF TAX LIENS BY COUNTY TREASURER	APPROVED 6/3/2005	6/3/2005	279	86
1160	BROPHY, VEIGA	UNLAWFUL RECORDING OF A LIVE PERFORMANCE	APPROVED 4/7/2005	7/1/2005	50	36
1161	POMMER, KESTER	REPORTING IMMUNIZATION INFORMATION	APPROVED 6/3/2005	6/3/2005	280	124
1162	BORODKIN, GORDON	ENERGY EFFICIENCY STANDARDS APPLIANCES	VETOED 4/28/2005			23

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1165	BOYD, MITCHELL	HEALTH INSURANCE BENEFITS ASSIGNMENT	BECAME LAW 5/10/2005	NO SAFETY CLAUSE	140	142
1166	MASSEY, KESTER	HLTH CARE PROVIDER COLLECT DEBT NOTICE	APPROVED 4/5/2005	NO SAFETY CLAUSE	31	24
1168	GARCIA, KESTER	PUBLIC TRUSTEE FORECLOSURE ADMIN	APPROVED 4/27/2005	NO SAFETY CLAUSE	119	173
1169	TODD, KESTER	HOUSING ISSUES VICTIMS DOMESTIC VIOLENCE	APPROVED 4/27/2005	7/1/2005	120	173
1170	SCHULTHEIS, JONES	NOTICE OF EXPEDITED RELINQUISHMENT	APPROVED 3/31/2005	7/1/2005	23	14
1171	JAHN, GROSSMAN	APPOINTMENTS IN DOMESTIC RELATIONS CASES	APPROVED 6/2/2005	6/2/2005	243	15
1172	JAHN, GROSSMAN	DOMESTIC RELATIONS APPOINTMENTS	APPROVED 6/2/2005	7/1/2005	244	16
1173	HARVEY, GROFF	CHILD LEGAL CUSTODY COURT PROCEDURES	APPROVED 3/31/2005	3/31/2005	22	17
1174	STAFFORD, GROSSMAN	DEPENDENCY OR NEGLECT CHILD PLACEMENT	APPROVED 6/1/2005	7/1/2005	194	17
1175	HODGE, TAKIS	CRIM HISTORY RECORDS FOR D&N PLACEMENT	APPROVED 5/27/2005	5/27/2005	175	18
1177	PENRY, ISGAR	INTERBASIN WATER COMPACT NEGOTIATIONS	APPROVED 6/7/2005	6/7/2005	314	199
1178	ROSE, HANNA	TOY VEHICLES POCKET BIKES	APPROVED 6/3/2005	6/3/2005	281	158
1179	CARROLL T., TUPA	DOUBLE WAGES DUE AFTER WRITTEN DEMAND	VETOED 6/3/2005			149
1180	ROSE, ENTZ	HORTICULTURAL & FLORICULTURAL OPERATIONS	APPROVED 4/22/2005	NO SAFETY CLAUSE	100	3
1182	GALLEGOS, SANDOVAL	MENTAL HEALTH PROFESSION OBSOLETE TITLES	APPROVED 4/5/2005	NO SAFETY CLAUSE	32	169
1183	PACCIONE, GROSSMAN	STRENGTHENING UNDERAGE DRINKING LAWS	APPROVED 6/3/2005	7/1/2005	282	36
1184	STAFFORD, ISGAR	EXTEND GOOD SAMARITAN LAW TO EMPLOYERS	APPROVED 4/7/2005	NO SAFETY CLAUSE	51	31
1187	LARSON, WILLIAMS	YIELD RIGHT-OF-WAY EMERGENCY VEHICLES	APPROVED 6/1/2005	7/1/2005	205	159
1188	McKINLEY, TAPIA	ABUSE OF A CORPSE	APPROVED 4/7/2005	7/1/2005	52	37
1189	SOPER, TOCHTROP	COURT-APPOINTED SPEC ADVOCATES CHECKOFF	APPROVED 6/2/2005	6/2/2005	245	183
1191	BENEFIELD, HILLMAN	SCHOOL DIST IMPOSE TRANSPORTATION FEE	BECAME LAW 6/9/2005	6/9/2005	324	48
1192	SOPER, SPENCE	LOCAL GOV APPROVE TERMINATE PLANNED COMM	APPROVED 6/3/2005	NO SAFETY CLAUSE	283	174
1194	ROMANOFF, JOHNSON	STABLE MEANS OF FUNDING BUDGETARY NEEDS	N/A	REFERENDUM	355	111
1195	KERR, KELLER	DEED CONVEY INTEREST RIGHTS-OF-WAY	APPROVED 4/27/2005	4/27/2005	121	174
1196	HALL, TAPIA	EXTEND HUTF APPROPS TO DEPT OF REVENUE	BECAME LAW 6/9/2005	6/9/2005	325	194
1197	SULLIVAN, MITCHELL	DESIG OF REFERRED MEASURES ON BALLOTS	APPROVED 6/3/2005	6/3/2005	287	75

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1198	STAFFORD, SANDOVAL	OBJECTIVES OF CHILD WELFARE	APPROVED 4/22/2005	NO SAFETY CLAUSE	101	134
1200	TODD, HAGEDORN	DISTRICT ATTORNEY SUPPORT ENFORCEMENT	APPROVED 5/12/2005	NO SAFETY CLAUSE	143	19
1201	PLANT, TAPIA	POISON CONTROL SERVICES	APPROVED 4/20/2005	4/20/2005	89	124
1202	BORODKIN, HANNA	IMMUNITY REPORT ANIMAL CRUELTY FALSE	APPROVED 4/22/2005	7/1/2005	102	37
1203	RIESBERG, VEIGA	DISTRIBUTE HIGH COST SUPPORT FUND FAIRLY	APPROVED 5/4/2005	7/1/2005	134	177
1205	JAHN, SPENCE	MOTION PICTURE & T.V. ADVISORY COMMN	APPROVED 4/7/2005	NO SAFETY CLAUSE	53	112
1206	BALMER, GROFF	EXTRADITION WAIVERS	APPROVED 5/27/2005	5/27/2005	176	37
1207	POMMER, VEIGA	RTD UTIL RELOCATION PLAN	VETOED 5/25/2005			98
1208	MARSHALL, VEIGA	UNEMPL INS CREDIT AGAINST TAXES	APPROVED 5/25/2005	5/25/2005	156	150
1209	McFADYEN, JOHNSON	PHARMACISTS COMPOUNDING DRUGS	APPROVED 6/1/2005	6/1/2005	206	169
1210	BERENS, SHAFFER	GOV INCLUSION INTO LIBRARY DISTRICT	APPROVED 4/20/2005	4/20/2005	90	91
1211	BERENS, MITCHELL	CLARIFY BROOMFIELD IS IN METRO AREA	APPROVED 4/20/2005	4/20/2005	91	81
1213	BUESCHER, OWEN	REPEAL STATISTICS COLLECTION WORK COMP	APPROVED 6/3/2005	7/1/2005	284	150
1214	CERBO, SPENCE	MOTOR VEHICLE EMISSIONS REGIS FEES	APPROVED 6/1/2005	9/1/2005	207	159
1216	MARSHALL, GROFF	SCHOOL IMPROVEMENT ACTION CYCLE	VETOED 6/2/2005			48
1217	KING, GROSSMAN	CALCULATION SUFFICIENT ACADEMIC GROWTH	APPROVED 6/2/2005	6/2/2005	246	50
1218	BROPHY, TUPA	BICYCLE TRAFFIC RULES	APPROVED 6/3/2005	7/1/2005	301	159
1221	DECKER, SANDOVAL	REQMNTS FOR CIGARETTE & TOBACCO LICENSES	APPROVED 6/1/2005	6/1/2005	208	183
1224	MADDEN, GROSSMAN	PUC POLICY REVIEW RULE HEARINGS	VETOED 5/25/2005			177
1225	TODD, ENTZ	REPEAL MANDATED LONG-TERM CARE INS PLANS	APPROVED 4/27/2005	NO SAFETY CLAUSE	122	142
1227	FRANGAS, ENTZ	CHILD CARE LICENSING	APPROVED 6/2/2005	6/2/2005	247	135
1230	WEISSMANN, SHAFFER	ENFORCEMENT LOCAL GOV LAND USE REQMNTS	APPROVED 6/3/2005	NO SAFETY CLAUSE	302	92
1231	HARVEY, TOCHTROP	STATE EMPLOYEE DEFINED CONTRIBUTION PLAN	APPROVED 4/7/2005	4/7/2005	54	112
1236	JUDD, KESTER	OWNER RETAIL ON-PREMISES ALCOHOL LICENSE	APPROVED 4/27/2005	NO SAFETY CLAUSE	123	169
1237	BENEFIELD, TUPA	QUALITY PE RECOGNITION PROGRAM	VETOED 6/3/2005			50
1238	HEFLEY, WILLIAMS	SCHOOL READINESS QUALITY IMPROVEMENT	APPROVED 6/2/2005	6/2/2005	238	51
1239	CERBO, GROSSMAN	UNEMPLOYMENT BENEFITS EMPLOYER LOCKOUT	VETOED 5/25/2005			150

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1241	HODGE, SANDOVAL	HOUSING & STANDARDS OF VISITABILITY	VETOED 5/31/2005			113
1243	JAHN, JOHNSON	CONSUMER DIRECTED CARE UNDER MEDICAID	APPROVED 6/3/2005	6/3/2005	278	130
1244	HOPPE, VEIGA	CONSERVATION EASEMENT TAX CREDIT ADMIN	APPROVED 6/7/2005	6/7/2005	315	184
1245	SOLANO, TOCHTROP	PUBLIC HEALTH BENEFITS REPORT EMPLOYER	VETOED 5/27/2005			131
1246	SOLANO, WILLIAMS	CSAP SCORES AND ALTERNATIVE ASSESSMENTS	BECAME LAW 5/10/2005	5/10/2005	141	51
1247	BORODKIN, GORDON	BREAST CANCER LICENSE PLATE	APPROVED 6/1/2005	NO SAFETY CLAUSE	209	159
1250	CLOER, GROFF	MEDICAL PAYMENTS COVERAGE AUTO INS	APPROVED 5/4/2005	PORTIONS UPON PASSAGE AND 7/1/2005 AND 1/1/2006	135	143
1251	KNOEDLER, SANDOVAL	INCOME TAX ON NONRESIDENT PARTNERS	APPROVED 4/7/2005	NO SAFETY CLAUSE	55	184
1254	PLANT, GROSSMAN	WATER EFFICIENCY GRANT PROGRAM	APPROVED 6/7/2005	6/7/2005	316	199
1255	BENEFIELD, WILLIAMS	EXCESS COSTS TUITION FOR SPECIAL ED	VETOED 4/7/2005			52
1261	BUESCHER, OWEN	TOBACCO EDUCATION PREVENTION CESSATION	APPROVED 6/2/2005	6/2/2005	240	131
1262	BOYD, HAGEDORN	TOBACCO TAX IMPLEMENTATION	APPROVED 6/2/2005	6/2/2005	241	184
1264	BUESCHER, TAPIA	REPEAL REAL ESTATE RECOVERY PROGRAM	APPROVED 5/27/2005	5/27/2005	177	169
1265	COLEMAN, TAPIA	UNEMPLOYMENT INSURANCE BENEFITS SPOUSES	APPROVED 6/2/2005	6/2/2005	248	150
1266	STENGEL, ISGAR	INCREASE WILDLIFE FEES HABITAT STAMP	APPROVED 5/4/2005	1/1/2006	136	161
1268	BALMER, SHAFFER	TRANSFER FROM DOR AIR SUBACCOUNT TO DPHE	APPROVED 4/20/2005	NO SAFETY CLAUSE	92	9
1269	DECKER, JOHNSON	PREGNANT WOMAN DEATH CERTIFICATE	APPROVED 4/7/2005	7/1/2005	56	124
1270	CADMAN, SANDOVAL	AMBER ALERT FOR ABDUCTED FETUS	APPROVED 5/27/2005	5/27/2005	178	19
1273	KERR, WILLIAMS	TERM INTERGOVERNMENTAL CONTRACTS	APPROVED 6/3/2005	6/3/2005	300	92
1275	SULLIVAN, TECK	CREDIT FOR REDEV OF CONTAMINATED LAND	APPROVED 6/7/2005	6/7/2005	313	187
1277	MASSEY, TAPIA	LANDLORD LIABILITY FOR NUISANCE	APPROVED 5/25/2005	NO SAFETY CLAUSE 1/1/2006	157	95
1278	HALL, OWEN	STATE CRIM ALIEN ASST PROG CASH FUND	APPROVED 6/1/2005	6/1/2005	210	28
1279	PLANT, KELLER	APPLICABILITY MOE PERSONAL INCOME GROWTH	APPROVED 6/3/2005	6/3/2005	299	52

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1280	STAFFORD, JOHNSON	CHILD FATALITY PREVENTION SYSTEM	APPROVED 6/2/2005	6/2/2005	249	19
1285	BUESCHER, TAPIA	MANAGE OIL AND GAS FUND BALANCES	APPROVED 6/1/2005	7/1/2005	211	162
1286	CADMAN, GROSSMAN	TELECOM REVOLV FUND PUB SAFETY RADIO	APPROVED 5/27/2005	NO SAFETY CLAUSE	179	114
1287	COLEMAN, KESTER	ACCESS TO ADOPTEES BIRTH CERTIFICATES	APPROVED 6/2/2005	7/1/2005	250	20
1288	CLOER, KELLER	PROHIBIT CELL PHONE TELEMARKETING	APPROVED 5/27/2005	NO SAFETY CLAUSE	180	24
1289	VIGIL, SANDOVAL	ADJUST RESIDENTIAL VALUATION ASSESSMENT	APPROVED 5/27/2005	5/27/2005	181	187
1290	POMMER, TUPA	HYBRID VEHICLES TAX CREDIT & TOLL LANES	APPROVED 6/1/2005	NO SAFETY CLAUSE	195	187
1291	BUTCHER, ISGAR	COOP ELEC ASSN & PUB UTIL COMMN REGUL	APPROVED 4/20/2005	4/20/2005	93	177
1297	GREEN, MITCHELL	NONADMITTED INSURANCE ACT	APPROVED 6/1/2005	NO SAFETY CLAUSE 1/1/2006	212	143
1299	VIGIL, SANDOVAL	INCOME TAX VOLUNTARY CONTRIBUTION PROG	APPROVED 6/1/2005	NO SAFETY CLAUSE	213	188
1302	FRANGAS, SANDOVAL	FIXED-WING ROTOR-WING AMBULANCE LICENSE	APPROVED 6/3/2005	7/1/2005	294	124
1304	HODGE, TOCHTROP	NO DISCRIM CONSUMER HOUSING CHOICES	VETOED 6/1/2005			92
1306	KERR, FITZ-GERALD	PROVIDE ALCOHOL TO MINOR LOSE LICENSE	APPROVED 5/27/2005	7/1/2005	170	38
1307	PENRY, TAYLOR	STATE AGRICULTURAL PRODUCT PREFERENCE	APPROVED 6/7/2005	NO SAFETY CLAUSE	317	114
1308	BUTCHER, TAPIA	NGRI SEX OFFENDERS REQUIRED TO REGISTER	APPROVED 6/2/2005	6/2/2005	251	38
1309	ROMANOFF, TAPIA	AUTHORIZE FORENSIC UNIT LEASE AGREEMENT	BECAME LAW 6/9/2005	6/9/2005	326	114
1310	HALL, TAPIA	TABOR REFUNDS OF STATE REVENUES	APPROVED 4/5/2005	4/5/2005	33	115
1311	MARSHALL, GROFF	ANNUAL EVALUATION AT-RISK STUDENT GRANT	APPROVED 6/2/2005	6/2/2005	252	52
1312	BOYD, KELLER	SMALL GROUP HEALTH UNIFORM APPLICATION	APPROVED 6/1/2005	1/1/2006	214	144
1313	GALLEGOS, MITCHELL	NAVY SPECIAL LICENSE PLATES	APPROVED 5/27/2005	NO SAFETY CLAUSE	190	159
1314	BORODKIN, ENTZ	AVIATION DEVELOPMENT ZONES	APPROVED 6/8/2005	NO SAFETY CLAUSE	319	188
1315	PLANT, TAPIA	2ND SUPPL APPROP DEPT OF HEALTH CARE POL & FIN	APPROVED 4/20/2005	4/20/2005	351	9
1316	PLANT, TAPIA	2ND SUPPL APPROP DEPT OF HUMAN SERVICES	APPROVED 4/20/2005	4/20/2005	352	9
1317	ROMANOFF, JOHNSON	TEMP STATE INCOME TAX RATE REDUCTION	APPROVED 6/6/2005	6/6/2005	304	189
1318	SOPER, SHAFFER	WORK COMP CONSTRUCTION SITE COVERAGE	VETOED 6/1/2005			150
1320	JAHN, VEIGA	CREDIT FOR REINSURANCE	APPROVED 5/25/2005	NO SAFETY CLAUSE	158	144

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1324	RIESBERG, KESTER	FOOD DISTRIBUTION ADMINISTRATIVE FEES	APPROVED 6/1/2005	6/1/2005	215	135
1325	COLEMAN, KELLER	MEDICAID MENTAL HEALTH RECIPIENT RIGHTS	APPROVED 5/26/2005	NO SAFETY CLAUSE	167	132
1328	KERR, TAYLOR	OIL GAS FUEL PRODUCTS RECODIFICATION	APPROVED 6/3/2005	NO SAFETY CLAUSE	298	151
1330	BUESCHER, OWEN	STATE BLDG SALE & LEASE-PURCHASE AGRMNT	APPROVED 6/3/2005	6/3/2005	297	116
1331	BOYD, GROFF	CO HOME INVESTMENT FUND	VETOED 6/1/2005			116
1332	MCGIHON, GROSSMAN	CORPS & LLCs UNDER FCPA	VETOED 5/31/2005			76
1333	BUESCHER, ISGAR	ALLOW FINANCING FOR CRITICAL STATE NEEDS	APPROVED 6/1/2005	6/1/2005	216	117
1336	SOLANO, ENTZ	STATE AND VETERANS NURSING HOMES	APPROVED 5/26/2005	7/1/2005	168	136
1337	MARSHALL, VEIGA	REVISOR'S BILL	APPROVED 6/1/2005	PORTIONS UPON PASSAGE AND 1/1/2006	217	178
1338	GREEN, SHAFFER	INCREASE PENALTY PROSTITUTION OFFENSES	APPROVED 6/3/2005	7/1/2005	295	38
1339	MARSHALL, ANDERSON	STATE PERSONNEL BOARD HEARINGS	APPROVED 5/27/2005	5/27/2005	182	118
1340	WEISSMANN, JOHNSON	STATE CAP BLDG RENOVATION FUND	APPROVED 5/27/2005	5/27/2005	183	119
1341	McFADYEN, ANDERSON	LEASE FOR CAPITAL PROJECTS	APPROVED 6/3/2005	6/3/2005	296	119
1342	POMMER, GORDON	REQUIREMENTS FOR PRIVATE TOLL ROADS	VETOED 6/6/2005			194
1344	JAHN, TAYLOR	FITZSIMONS NURSING HOME ADVISORY Bd	APPROVED 5/26/2005	7/1/2005	169	136
1345	McFADYEN, TOCHTROP	LIENS FOR CARE & FEEDING OF ANIMALS	APPROVED 5/27/2005	5/27/2005	184	174
1347	SOLANO, BACON	GATHERING PERSONAL ID INFO BY DECEPTION	APPROVED 6/1/2005	7/1/2005	218	38
1349	BUESCHER, JONES	CO INDIGENT CARE PROGRAM	APPROVED 6/2/2005	6/2/2005	265	119
1350	ROMANOFF, FITZ-GERALD	GEN FUND EXEMPT SPECIFICATION OF USES	APPROVED 6/6/2005	6/6/2005	303	120

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001	SANDOVAL, BUESCHER	OPTIONAL LOW-INCOME ENERGY ASSISTANCE	APPROVED 5/5/2005	5/5/2005	137	175
002	TAKIS, VIGIL	JUVENILE PAROLE & PAROLE HEARINGS	APPROVED 4/14/2005	4/14/2005	76	11
003	TAPIA, HALL	CO ACHIEVEMENT SCHOLARSHIP	APPROVED 4/7/2005	7/1/2005	43	54
004	TOCHTROP, SOPER	MANDATORY CHILD ABUSE REPORTERS	APPROVED 4/22/2005	4/22/2005	103	11
007	SANDOVAL, PACCIONE	PRIVATE ACTIVITY BOND CEILING ALLOCATION	APPROVED 6/1/2005	6/1/2005	219	100
008	EVANS, PLANT	RETIRES IN FPPA OLD HIRE PENSION PLANS	APPROVED 4/5/2005	No SAFETY CLAUSE	34	94
009	ISGAR, STAFFORD	INCREASE FINE FOR HUMAN WASTE DUMPING	APPROVED 4/5/2005	4/5/2005	35	153
010	ANDERSON, COLEMAN	ADMIN OF LOCAL GOV RETIREMENT PLANS	APPROVED 4/22/2005	4/22/2005	104	88
011	ENTZ, HOPPE	WATER PROJECT REVOLVING FUND LISTS	APPROVED 3/23/2005	3/23/2005	13	197
012	EVANS, HARVEY	SPECIAL DISTRICT DIRECTORS COMPENSATION	APPROVED 4/27/2005	7/1/2005	114	97
013	VEIGA, MARSHALL	REAL ESTATE LIC RENEWAL BACKGROUND CHECK	APPROVED 6/3/2005	7/1/2005	291	163
014	ENTZ, MASSEY	USED MOTOR VEHICLE SALE REGISTRATION	APPROVED 6/1/2005	7/1/2005	220	153
015	SPENCE, LINDSTROM	MOTOR CARRIER INSURANCE REQMENTS PUC RULE	APPROVED 4/14/2005	No SAFETY CLAUSE	77	175
016	ANDERSON, VIGIL	DOC CORRECTIONAL INDUS SURPLUS PROP	APPROVED 3/18/2005	No SAFETY CLAUSE	10	28
019	BACON, POMMER	SCHOOL DISTRICT DATA REPORTING	APPROVED 6/2/2005	6/2/2005	253	39
020	OWEN, COLEMAN	OBSOLETE STATUTES	APPROVED 4/14/2005	No SAFETY CLAUSE	78	178
024	ISGAR, HOPPE	RECODIFY LIVESTOCK HEALTH	APPROVED 5/4/2005	No SAFETY CLAUSE 12/1/2005	132	2
025	GROSSMAN, STENGEL	INFLATION ADJUSTMENT DAMAGES STATUTES	VETOED 4/14/2005			29
026	FITZ-GERALD, POMMER	MARTIN ACT SECURITIES REGULATION BY AG	APPROVED 6/1/2005	6/1/2005	221	78
028	VEIGA, MADDEN	SEX ORIENTATION GENDER VARIANCE DISCRIM	VETOED 5/27/2005			145
029	TAKIS, KNOEDLER	REGULATION OF MOTOR VEHICLE CARRIERS	APPROVED 4/14/2005	No SAFETY CLAUSE	79	175
030	SHAFFER, HEFLEY	FAMILY-FRIENDLY COURTS ACT	APPROVED 6/2/2005	6/2/2005	254	29
031	KELLER, MERRIFIELD	FALSE STATEMENTS IN ELECTIONS	APPROVED 6/6/2005	No SAFETY CLAUSE 9/1/2005	305	59

BILL NO.	PRIME SPONSOR	SHORT TITLE	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE OF DIGEST
032	WILLIAMS, HEFLEY	LATER COUNT DATE FOR PRESCHOOL STUDENTS	APPROVED 6/2/2005	6/2/2005	255	39
033	ENTZ, CURRY	JOINT RESOLUTION WATER PROJECTS LISTS	APPROVED 4/14/2005	NO SAFETY CLAUSE 1/1/2006	81	197
034	HAGEDORN, BOYD	BAN ALCOHOL WITHOUT LIQUID DEVICES	APPROVED 4/27/2005	7/1/2005	115	32
036	WILLIAMS, MAY M.	MINOR DRIVERS & PASSENGERS	APPROVED 4/21/2005	7/1/2005	94	153
037	GORDON, HEFLEY	APPEAL FROM DENIAL OF HEALTH BENEFITS	APPROVED 6/1/2005	1/1/2006	222	138
038	TAKIS, CADMAN	UPDATE MOTOR VEHICLE TITLE STATUTES	APPROVED 6/1/2005	NO SAFETY CLAUSE	223	154
039	TAYLOR, MARSHALL	PETROLEUM STORAGE TANK FUND	APPROVED 6/3/2005	7/1/2005	293	145
040	TUPA, MERRIFIELD	BENEFITS PUB OFFICIALS	VETOED 5/5/2005			79
041	TECK, COLEMAN	CLARIFY HUTF ALLOCATIONS	APPROVED 4/5/2005	4/5/2005	36	191
042	TAYLOR, VIGIL	PUC MEMBER COMMISSIONER SALARY	APPROVED 5/12/2005	5/12/2005	144	100
043	EVANS, STENGEL	FPPA EXEMPTION FOR SOC SEC COVERAGE	APPROVED 4/14/2005	NO SAFETY CLAUSE	80	94
045	DYER, ROSE	SPECIAL WATER DIST PARK & RECREATION	APPROVED 4/5/2005	4/5/2005	37	97
047	MAY R., RAGSDALE	DRIVER'S LICENSE UPDATE	APPROVED 5/27/2005	5/27/2005	185	154
050	HILLMAN, MERRIFIELD	FUNDING CHANGES FOR SCHOOL DISTRICTS	BECAME LAW 5/7/2005	5/7/2005	139	39
051	SPENCE, MERRIFIELD	PRIVATE OCCUPATION ED ACT EXEMPTION	APPROVED 4/14/2005	NO SAFETY CLAUSE	82	54
052	JONES, CARROLL M.	MILITARY FAMILY RELIEF FUND	APPROVED 5/27/2005	5/27/2005	186	179
053	TAYLOR, COLEMAN	NATIONAL GUARD TUITION ASSISTANCE	APPROVED 6/2/2005	7/1/2005	256	54
055	JOHNSON, HODGE	LIMITED DISTRIBUTION RAW MILK	APPROVED 4/22/2005	4/22/2005	105	121
056	JOHNSON, JAHN	EFFECT OF COUNTY BD OF ASSESSMENT APPEAL	APPROVED 4/5/2005	4/5/2005	38	179
058	TECK, PENRY	RESEAL REMOVE VINOUS LIQUOR PREMISES	APPROVED 4/22/2005	4/22/2005	106	163
059	KELLER, HEFLEY	MENTAL HEALTH CARE SERVICES	APPROVED 6/2/2005	6/2/2005	264	89
061	TAKIS, RAGSDALE	REGL TRANSP DIST PRIVATE BUS COMPETITION	VETOED 5/4/2005			97
066	TAPIA, WHITE	ENERGY RESEARCH INSTITUTE PROJECT FUNDS	APPROVED 5/25/2005	7/1/2005	154	55
067	MAY R., CADMAN	FPPA INCORPORATION OF EXEMPT LOCAL PLANS	APPROVED 4/14/2005	4/14/2005	83	94
068	TAPIA, BUTCHER	ASSAULTS ON MENTAL HEALTH PROFESSIONALS	APPROVED 6/2/2005	7/1/2005	257	32
069	TOCHTROP, BROPHY	COUNTY EMPLOYEE SALARY PUBLICATION	VETOED 4/12/2005			82

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070	JONES, PACCIONE	INSURANCE COVERAGE MILITARY PERSONNEL	APPROVED 4/14/2005	4/14/2005	58	138
073	OWEN, JAHN	PERA EMPLOYMENT AFTER SERVICE RETIREMENT	APPROVED 6/2/2005	6/2/2005	239	100
075	ISGAR, LARSON	PETROLEUM STORAGE TANK FUND ELIGIBILITY	APPROVED 4/29/2005	7/1/2005	125	146
076	WIENS, MARSHALL	CONSENT CORP ACTION WITHOUT MEETING	APPROVED 4/22/2005	4/22/2005	107	26
078	GROSSMAN, ROSE	EMERGENCY TELEPHONE SERVICES	VETOED 5/6/2005			176
080	LAMBORN, MERRIFIELD	NOTIF MIL INSTALL LAND USE CHANGES	APPROVED 4/14/2005	NO SAFETY CLAUSE	59	89
081	SANDOVAL, MADDEN	NUTRITION AND PHYSICAL HEALTH IN SCHOOLS	APPROVED 4/14/2005	NO SAFETY CLAUSE	60	39
082	SANDOVAL, POMMER	KIDS FIRST SPECIAL LICENSE PLATE	VETOED 6/6/2005			155
084	ISGAR, CURRY	WATER CONSERVATION BD CONSTRUCTION FUND	APPROVED 6/1/2005	6/1/2005	224	197
087	SHAFFER, WITWER	CHILDHOOD IMMUNIZATIONS	APPROVED 4/29/2005	4/29/2005	126	121
088	SHAFFER, SOLANO	KINDERGARTEN PROGRAMS	APPROVED 3/25/2005	3/25/2005	14	40
089	HANNA, PACCIONE	DECEPTIVE TRADE UNFAIR DRUG PRICING	APPROVED 4/22/2005	4/22/2005	108	22
091	SPENCE, CARROLL T.	SCHOOL ACCREDITATION STANDARDS	APPROVED 6/6/2005	6/6/2005	306	40
092	TAYLOR, WHITE	COLORADO GEOLOGICAL SURVEY	APPROVED 6/7/2005	7/1/2005	311	160
093	HILLMAN, GARCIA	ATTACHMENT OF PUBLIC PENSION BENEFITS	APPROVED 3/25/2005	NO SAFETY CLAUSE	15	101
094	KELLER, WEISSMANN	LEG COUNCIL HEARING ON DRAFT BLUE BOOK	APPROVED 6/6/2005	6/6/2005	307	59
095	TUPA, BUESCHER	REGULATE PRODUCERS VINOUS LIQUORS	APPROVED 6/1/2005	6/1/2005	196	163
097	WILLIAMS, SULLIVAN	ADMIN ADJUDICATION OF TOLL EVASION CASES	APPROVED 6/1/2005	PORTIONS UPON PASSAGE AND 4/1/2006	225	191
098	WILLIAMS, CERBO	MANDATING REPORTS OF AT-RISK ADULT ABUSE	VETOED 5/26/2005			133
100	HAGEDORN, CARROLL M.	HOMEOWNERS PROPERTY RIGHTS	APPROVED 6/6/2005	PORTIONS UPON PASSAGE AND 1/1/2006	308	170
102	HAGEDORN, MADDEN	MULTISTATE DRUG PURCHASING	VETOED 6/1/2005			125
103	KELLER, JAHN	EXEMPT MEWA FROM 35% RATE ADJUSTMENT	APPROVED 4/29/2005	NO SAFETY CLAUSE 1/1/2006	127	139
104	KESTER, MCFADYEN	DOC FACILITY DESIGNATIONS	APPROVED 4/14/2005	NO SAFETY CLAUSE	61	28

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105	KELLER, MCCLUSKEY	PROP TAX ALT PROTEST APPEAL PROCEDURE	APPROVED 4/27/2005	4/27/2005	116	180
106	FITZ-GERALD, PLANT	COUNTY CATEGORY FOR OFFICERS' SALARIES	APPROVED 4/22/2005	NO SAFETY CLAUSE	109	82
107	OWEN, JAHN	AUTHORIZE VIATICAL SETTLEMENTS	APPROVED 6/3/2005		292	139
108	TAPIA, PLANT	SUPPL APPROP DEPT OF AGRICULTURE	APPROVED 3/11/2005	3/11/2005	328	4
109	TAPIA, PLANT	SUPPL APPROP DEPT OF CORRECTIONS	APPROVED 3/11/2005	3/11/2005	329	4
110	TAPIA, PLANT	SUPPL APPROP DEPT OF EDUCATION	APPROVED 3/11/2005	3/11/2005	330	4
111	TAPIA, PLANT	SUPPL APPROP DEPT OF GOV, LT GOV, & OSPB	APPROVED 3/11/2005	3/11/2005	331	4
112	TAPIA, PLANT	SUPPL APPROP DEPT OF HEALTH CARE POL & FIN	APPROVED 3/11/2005	3/11/2005	332	4
113	TAPIA, PLANT	SUPPL APPROP DEPT OF HIGHER ED	APPROVED 3/11/2005	3/11/2005	333	5
114	TAPIA, PLANT	SUPPL APPROP DEPT OF HUMAN SERVICES	APPROVED 3/11/2005	3/11/2005	334	5
115	TAPIA, PLANT	SUPPL APPROP JUDICIAL DEPARTMENT	APPROVED 3/11/2005	3/11/2005	335	5
116	TAPIA, PLANT	SUPPL APPROP DEPT OF LABOR & EMPLOYMENT	APPROVED 3/11/2005	3/11/2005	336	5
117	TAPIA, PLANT	SUPPL APPROP DEPT OF LAW	APPROVED 3/11/2005	3/11/2005	337	5
118	TAPIA, PLANT	SUPPL APPROP DEPT OF LEGISLATURE	APPROVED 3/11/2005	3/11/2005	338	5
119	TAPIA, PLANT	SUPPL APPROP DEPT OF LOCAL AFFAIRS	APPROVED 3/11/2005	3/11/2005	339	6
120	TAPIA, PLANT	SUPPL APPROP DEPT OF MILITARY AFFAIRS	APPROVED 3/11/2005	3/11/2005	340	6
121	TAPIA, PLANT	SUPPL APPROP DEPT OF NATURAL RESOURCES	APPROVED 3/11/2005	3/11/2005	341	6
122	TAPIA, PLANT	SUPPL APPROP DEPT OF PERSONNEL	APPROVED 3/11/2005	3/11/2005	342	6
123	TAPIA, PLANT	SUPPLE APPROP DEPT OF PUB HEALTH & ENVIR	APPROVED 3/11/2005	3/11/2005	343	6
124	TAPIA, PLANT	SUPPL APPROP DEPT OF PUBLIC SAFETY	APPROVED 3/11/2005	3/11/2005	344	6
125	TAPIA, PLANT	SUPPL APPROP DEPT OF REG AGENCIES	APPROVED 3/11/2005	3/11/2005	345	7
126	TAPIA, PLANT	SUPPL APPROP DEPT OF REVENUE	APPROVED 3/11/2005	3/11/2005	346	7
127	TAPIA, PLANT	SUPPL APPROP DEPT OF STATE	APPROVED 3/11/2005	3/11/2005	347	7
128	TAPIA, PLANT	SUPPL APPROP DEPT OF TRANSPORTATION	APPROVED 3/11/2005	3/11/2005	348	7
129	TAPIA, PLANT	SUPPL APPROP TREASURY DEPT	APPROVED 3/11/2005	3/11/2005	349	7
130	TAPIA, PLANT	SUPPL APPROP CAPITAL CONST	APPROVED 3/11/2005	3/11/2005	350	7
131	GROSSMAN, CARROLL T.	OPEN RECORDS EXCEPTION FOR SECURITY INFO	APPROVED 5/12/2005	7/1/2005	145	101

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132	WINDELS, PACCIONE	COLLEGE OPPORTUNITY FUND ACT	APPROVED 6/2/2005	PORTIONS UPON PASSAGE AND 7/1/2006	258	55
133	ENTZ, GALLEGOS	WATER RIGHT OVERCOME ABANDONMENT	APPROVED 4/14/2005	4/14/2005	62	198
134	SHAFFER, COLEMAN	WORKERS' COMP EXPERT TESTIMONY REOPENING	VETOED 5/25/2005			146
137	GROSSMAN, PACCIONE	IDENTITY THEFT SECURITY FREEZES	APPROVED 6/1/2005	PORTIONS UPON PASSAGE, 7/1/2005, AND 7/1/2006	226	32
138	GROSSMAN, CARROLL T.	CRIMINAL PROCEDURAL OMNIBUS	APPROVED 4/29/2005	PORTIONS UPON PASSAGE AND 90 DAYS AFTER PASSAGE	128	33
139	WINDELS, MERRIFIELD	STATEWIDE ON-LINE EDUCATION PROGRAMS	VETOED 6/2/2005			40
141	JOHNSON, ROMANOFF	SOLID WASTES DISPOSAL LIMITATIONS	APPROVED 6/3/2005	NO SAFETY CLAUSE	285	82
142	TAPIA, VIGIL	CONSTR AGRMNT PRO RATA LIAB PROVISIONS	VETOED 5/31/2005			29
143	VEIGA, MCFADYEN	AMENDMENT 37 RENEWABLE ENERGY STANDARDS	APPROVED 4/14/2005	NO SAFETY CLAUSE	63	176
144	VEIGA, LISTON	CONTINUE COMPLIANCE ADVISORY PANEL	APPROVED 4/5/2005	4/5/2005	39	122
145	MCELHANY, PACCIONE	CONTINUE STATE BOARD OF ACCOUNTANCY	APPROVED 4/14/2005	7/1/2005	64	163
146	KESTER, WHITE	CONTINUE REGULATE BARBERS COSMETOLOGISTS	APPROVED 5/26/2005	7/1/2005	159	164
147	HANNA, RIESBERG	MODIFY RESPIRATORY THERAPY PRACTICE ACT	APPROVED 4/14/2005	7/1/2005	65	164
148	SHAFFER, BUESCHER	CONTINUE FIRE SUPPRESSION PROGRAM	APPROVED 4/14/2005	7/1/2005	66	102
149	KESTER, MCGIHON	INMATE BENEFIT APPLICATION PROGRAM	APPROVED 4/14/2005	7/1/2005	67	102
150	SANDOVAL, GREEN	CONTINUE CO INFANT HEARING ADVISORY CMT	APPROVED 4/14/2005	7/1/2005	68	122
152	VEIGA, JAHN	LOCAL GOV COMPETITION CABLE TV TELECOM	APPROVED 6/3/2005	6/3/2005	289	90
153	TECK, JUDD	MOTOR VEHICLE LICENSE PLATES REPLACEMENT	APPROVED 4/14/2005	NO SAFETY CLAUSE	69	155
154	BACON, SULLIVAN	TAXES PENALTIES COUNTY TREASURER	APPROVED 4/14/2005	4/14/2005	70	180
155	TOCHTROP, JAHN	CERTIFIED NURSE AIDE MEDICATION ADMIN	APPROVED 6/2/2005	NO SAFETY CLAUSE	259	164
156	SANDOVAL, WITWER	ASTHMA AND ANAPHYLAXIS TREATMENT PLANS	APPROVED 4/14/2005	4/14/2005	71	41
157	FITZ-GERALD, MADDEN	EXPAND USE OF LEG LEGAL EXPENSE FUND	APPROVED 3/25/2005	3/25/2005	16	81

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158	TECK, WITWER	IN-STATE TUITION FOR MILITARY PERSONNEL	APPROVED 5/27/2005	5/27/2005	187	57
159	OWEN, PLANT	USE OF G.F. FOR FITZSIMONS NURSING HOME	APPROVED 3/18/2005	3/18/2005	11	134
160	TAKIS, MCFADYEN	LOCAL GOV REVIEW UTILITIES FACILITIES	APPROVED 4/14/2005	NO SAFETY CLAUSE	85	90
161	ISGAR, PENRY	PRIVATE DRILLERS PUMP INSTALLERS EXAM	APPROVED 4/5/2005	4/5/2005	40	198
162	KELLER, HALL	PRESCRIBED DRUGS FOR DUAL ELIGIBLES	APPROVED 4/5/2005	NO SAFETY CLAUSE	41	125
163	MITCHELL, CARROLL T.	JUDICIAL DIVISION RETIREES	APPROVED 4/22/2005	4/22/2005	110	102
164	JONES, GARCIA	HIGH SCHOOL DROPOUT PARENTAL NOTICE	APPROVED 4/27/2005	4/27/2005	117	41
165	TOCHTROP, HEFLEY	CANCER DRUG REPOSITORY PROGRAM	APPROVED 4/14/2005	NO SAFETY CLAUSE	84	122
168	HAGEDORN, BOYD	HEALTH BENEFIT COVERAGE PUBLIC ENTITY	APPROVED 6/1/2005	1/1/2006	227	140
169	HANNA, BERENS	STATE HEALTH CARE REFORM ASSEMBLY	VETOED 5/26/2005			140
170	SPENCE, PACCIONE	AUTOMATED EXTERNAL DEFIBRILLATORS	APPROVED 4/26/2005	NO SAFETY CLAUSE	113	41
171	SANDOVAL, FRANGAS	PERA DENVER PUB SCHOOLS PENSION MERGER	APPROVED 5/24/2005	5/24/2005	150	102
172	TAPIA, PLANT	GROUP BENEFIT PLANS RESERVE FUND	APPROVED 3/18/2005	7/1/2005	12	103
173	OWEN, HALL	LONG-TERM CARE SERVICES UNDER MEDICAID	APPROVED 4/5/2005	4/5/2005	42	125
174	GROSSMAN, WHITE	CTY OPEN SPACE & PARKS SALES & USE TAX	VETOED 4/14/2005			83
176	OWEN, PLANT	DEPT AGRICULTURE INSPECTION FEE SUNSET	APPROVED 6/3/2005	7/1/2005	288	2
181	JOHNSON, JAHN	CHILD SUPPORT ESTABLISHMENT	APPROVED 4/22/2005	PORTIONS UPON PASSAGE AND ON 7/1/2005 AND 1/1/2006	111	11
182	WILLIAMS, RAGSDALE	PARTIAL TAKINGS & RTD TRANSP PROJECTS	BECAME LAW 4/19/2005	NO SAFETY CLAUSE	86	97
183	GROSSMAN, MCGIHON	RULE REVIEW BILL	APPROVED 5/12/2005	5/12/2005	146	1
185	ISGAR, HARVEY	STATE ADMIN HEARINGS	APPROVED 6/1/2005	6/1/2005	228	104
186	ISGAR, CURRY	SPECIES CONSERVATION ELIGIBILITY LIST	APPROVED 6/1/2005	6/1/2005	197	160
187	JOHNSON, MCCLUSKEY	PHARMACY INTERN TECHNICIAN	APPROVED 4/22/2005	NO SAFETY CLAUSE	112	165
188	KESTER, JAHN	COUNTY ELECTED OFFICIALS' SALARY	APPROVED 6/7/2005	6/7/2005	312	83
190	TOCHTROP, MCFADYEN	ABANDONED MINE RECLAMATION FUND	APPROVED 6/1/2005	7/1/2005	198	160

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191	HILLMAN, MERRIFIELD	RURAL TEACHER RECRUITMENT	APPROVED 5/24/2005	NO SAFETY CLAUSE	152	42
193	GROSSMAN, STENGEL	FUNCTIONS CO BUREAU OF INVESTIGATION	APPROVED 6/1/2005	6/1/2005	229	104
194	ISGAR, LARSON	ADMISSION STANDARD FORT LEWIS COLLEGE	APPROVED 5/12/2005	5/12/2005	147	57
196	OWEN, BUESCHER	STATE LAND BOARD INVESTMENT & DEV FUND	APPROVED 5/24/2005	5/24/2005	153	104
198	GORDON, MADDEN	CONDUCT OF ELECTIONS	APPROVED 6/6/2005	6/6/2005	309	59
200	WINDELS, POMMER	SCHOOL FINANCE	APPROVED 4/29/2005	4/29/2005	129	42
201	KESTER, FRANGAS	LOW-INCOME ENERGY ASSISTANCE FUNDING	APPROVED 5/5/2005	5/5/2005	138	180
202	SANDOVAL, CLOER	REPEAL OF EBT ADMIN FEE	APPROVED 5/26/2005	7/1/2005	160	134
203	GORDON, MADDEN	LEGISLATIVE APPROPRIATION	APPROVED 5/5/2005	5/5/2005	327	8
204	TAPIA, MCFADYEN	HIGHER EDUCATION BOARDS OF TRUSTEES	VETOED 6/2/2005			57
205	SHAFFER, SULLIVAN	MODIFY CO CHARITABLE SOLICITATIONS ACT	APPROVED 6/3/2005	6/3/2005	290	22
206	TUPA, WHITE	BLUE RIBBON ELECTION PANEL PROPOSALS	APPROVED 6/6/2005	6/6/2005	310	67
209	TAPIA, PLANT	LONG APPROPRIATIONS BILL	APPROVED IN PART AND VETOED IN PART 5/2/2005	5/2/2005	354	8
210	TAPIA, PLANT	CONTROLLED MAINTENANCE TRUST FUND	APPROVED 6/2/2005	6/2/2005	260	105
211	TAPIA, PLANT	TRANSFER FROM CBHP TRUST TO GENERAL FUND	APPROVED 4/29/2005	7/1/2005	130	126
213	TUPA, WEISSMANN	REPORT REQUIREMENT INFO COORDINATION ACT	APPROVED 6/1/2005	6/1/2005	230	57
214	WINDELS, MERRIFIELD	K-12 SCHOOL ACCOUNTABILITY	VETOED 6/2/2005			44
217	GROSSMAN, HODGE	DRUG LAB PROPERTY OWNERS	BECAME LAW 6/9/2005	6/9/2005	320	122
221	HAGEDORN, BUESCHER	HIFA WAIVER	APPROVED 5/26/2005	5/26/2005	161	126
222	ENTZ, LARSON	GASOLINE & SPECIAL FUEL TAX	APPROVED 6/1/2005	7/1/2005	231	180
223	GROSSMAN, ROSE	CONSOLIDATED COMMUNICATIONS NETWORK AUTH	VETOED 6/6/2005			105
224	BACON, MCCLUSKEY	COUNTY IMPACTS & URBAN RENEWAL	APPROVED 6/3/2005	6/3/2005	286	84
226	OWEN, PLANT	KANSAS VERSUS CO LITIG PAYMENTS	APPROVED 4/28/2005	4/28/2005	124	106
227	HAGEDORN, MARSHALL	PROVISION OF HEALTH CARE SERVICES	APPROVED 6/2/2005	6/2/2005	261	141
229	KELLER, HALL	OSPB RESPONSIBILITIES	APPROVED 6/1/2005	6/1/2005	232	107

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230	WIENS, MCKINLEY	REQUIREMENTS FOR PRIVATE TOLL ROADS	VETOED 6/6/2005			192
231	JOHNSON, PLANT	EMERGENCY MEDICAL TECHNICIANS DISCIPLINE	APPROVED 6/1/2005	NO SAFETY CLAUSE	233	123
232	SHAFFER, POMMER	PROPERTY TAX DEFERRAL PROGRAM	APPROVED 6/1/2005	6/1/2005	234	180
233	VEIGA, MCCLUSKEY	LOCK INTEREST RATE VOTER APPROVAL SEC	APPROVED 6/1/2005	6/1/2005	235	78
235	VEIGA, MARSHALL	DOMESTIC PARTNER BENEFITS SMALL GROUP	APPROVED 6/2/2005	6/2/2005	262	141
240	TECK, BUESCHER	DOMA PROPERTY TRANSFERS	APPROVED 6/2/2005	6/2/2005	263	107
243	ISGAR, PENRY	ROADLESS AREAS REVIEW TASK FORCE	APPROVED 6/8/2005	CONDITIONAL	318	160
244	HAGEDORN, CURRY	MED NURSING TELEMED INTERSTATE COMPACT	APPROVED 5/26/2005	PORTIONS UPON PASSAGE AND 7/1/2005	162	108
247	ENTZ, CURRY	STATE WEED COORDINATOR	APPROVED 6/1/2005	6/1/2005	236	3
249	TAPIA, PLANT	TOBACCO STTLMT MONEY FOR READ TO ACHIEVE	APPROVED 6/1/2005	6/1/2005	237	108

ADMINISTRATIVE RULE REVIEW

S.B. 05-183 Continuation of 2004 rules of executive agencies. Provides for the continuation of the rules and regulations of state agencies that were adopted or amended on or after November 1, 2003, and before November 1, 2004; except that certain rules and regulations shall expire as scheduled on May 15, 2005. Provides for the repeal of certain rules of the executive director of the department of public safety concerning the Colorado automobile theft prevention authority.

APPROVED by Governor May 12, 2005

EFFECTIVE May 12, 2005

AGRICULTURE

S.B. 05-24 State agricultural commission - livestock health act. Recodifies the statutes addressing the duties of the state veterinarian. Makes changes to clarify, harmonize, modernize, or substantively amend the law, specifically:

- Relocates provisions dealing with sheep inspection districts and the inspection fee associated with such inspections.
- Clarifies the role of the state veterinarian, commissioned state veterinarians, and other authorized persons.
- Establishes powers and duties of the commissioner of agriculture (commissioner).
- Clarifies the commissioner's authority to promulgate rules to establish a fund consisting of the proceeds from the sale of supplies and services.
- Clarifies the commissioner's duty to conduct surveillance.
- Mandates reporting by any person who knows or has reason to know that any livestock has a reportable disease.
- Clarifies the commissioner's power to inspect and test livestock for reportable diseases.
- Clarifies the commissioner's authority to quarantine livestock.
- Allows the commissioner, upon approval of the governor, to issue an order of condemnation.
- Defines unlawful acts, sets forth enforcement provisions, and establishes civil and criminal penalties.
- Deletes obsolete provisions.

APPROVED by Governor May 4, 2005

EFFECTIVE December 1, 2005

S.B. 05-176 Department of agriculture - authority to set fees and penalties - appropriation. Extends until July 1, 2007, the department of agriculture's authority to set certain fees and penalties to administer and enforce certain agricultural standards, including standards regarding:

- Commercial fertilizers and soil conditioners;
- Anhydrous ammonia;
- Measurements;
- Eggs;
- Slaughter, processing, and sale of animals; and
- Commercial feeding.

Extends until July 1, 2007, the inspection and consumer services cash fund. Deposits fines for violating the "Colorado Commercial Feed Law" in the inspection and consumer services cash fund instead of the general fund.

Decreases the general fund appropriation to the commissioner's office and administrative services by \$697,220. Increases the cash funds appropriation to the commissioner's office and administrative services by \$416,945 and specifies that said sum shall be from the inspection and consumer services cash fund. Increases the cash fund exempt appropriation to the commissioner's office and administrative services by \$280,275 and specifies that said sum shall be from the appropriation made to the agricultural services division. Decreases the general fund appropriation

to the agricultural services division by \$2,878,071 and 43.0 FTE. Increases the cash funds appropriation to the agricultural services division by \$3,158,346 and 43.0 FTE and specifies that said sum shall be from the inspection and consumer services cash fund.

APPROVED by Governor June 3, 2005

EFFECTIVE July 1, 2005

S.B. 05-247 Department of agriculture - state weed coordinator. Specifies that the commissioner of agriculture shall designate the state weed coordinator in the department of agriculture.

APPROVED by Governor June 1, 2005

EFFECTIVE June 1, 2005

H.B. 05-1180 Horticultural and floricultural production operations. Makes the following changes to treat horticultural and floricultural production operations the same as agricultural operations:

- Establishes maximum pay periods for certain employees engaged in floricultural pursuits.
- Adds tanks used for horticultural or floricultural operations to the exception to the definition of "aboveground storage tank".
- For purposes of administering areas of state interest, includes horticulture and floriculture as open space activities encouraged in floodplains.
- Excludes emissions from horticultural or floricultural production from the regulation of the air quality control commission (commission).
- Excludes sources involved in horticultural or floricultural production from having certain construction permits reopened.
- Except as may be required by federal law or regulations, prohibits the commission and the division of administration of the department of public health and environment from requiring a permit for animal or agricultural waste on horticultural and floricultural operations.
- Excludes horticultural and floricultural operations from the definition of an "industrial zone" for purposes of noise abatement.
- Excludes horticultural or floricultural waste from the definition of "hazardous waste" for statutes that relate to the same.
- Adds floricultural products to the definition of "agricultural products" as used in the "Organic Certification Act".
- Adds floricultural products to the definition of "agricultural commodity" as used in the "Colorado Agricultural Marketing Act of 1939".
- Adds machines designed for or adapted and used for horticulture and floriculture to the definition of "equipment" as used in the "Colorado Farm Equipment Fair Dealership Act".

APPROVED by Governor April 22, 2005

EFFECTIVE August 8, 2005

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

APPROPRIATIONS

S.B. 05-108 Supplemental appropriation - department of agriculture. Amends the 2004 general appropriation act to decrease the total appropriation to the department of agriculture. Decreases the general fund, cash fund, and federal fund portions of the appropriation and increases the cash funds exempt portion.

APPROVED by Governor March 11, 2005

EFFECTIVE March 11, 2005

S.B. 05-109 Supplemental appropriation - department of corrections. Amends the 2004 general appropriation act to decrease the total appropriation to the department of corrections. Decreases the general fund portion of the appropriation and increases the cash funds exempt and federal funds portions.

Decreases the 2003 appropriation to the external capacity subprogram for the payment to house state prisoners by increasing the appropriation for local jails and decreasing the appropriation for private facilities. Increases the appropriation made by Senate Bill 03-252, concerning the placement following parole revocation of a parolee on parole for a nonviolent felony.

APPROVED by Governor March 11, 2005

EFFECTIVE March 11, 2005

S.B. 05-110 Supplemental appropriation - department of education. Amends the 2004 general appropriation act to increase the total appropriation to the department of education. Decreases the general fund and the federal fund portions of the appropriation and increases the cash funds and cash funds exempt portion.

APPROVED by Governor March 11, 2005

EFFECTIVE March 11, 2005

S.B. 05-111 Supplemental appropriation - offices of the governor, Lt governor, and state planning and budgeting. Amends the 2004 general appropriation act to increase the total appropriation to the offices of the governor, Lt. governor, and state planning and budgeting. Increases the general fund portion of the appropriation.

Appropriates an additional amount for the 2003-04 fiscal year to cover overexpenditures.

APPROVED by Governor March 11, 2005

EFFECTIVE March 11, 2005

S.B. 05-112 Supplemental appropriation - department of health care policy and financing. Amends the 2003 general appropriation act to increase the total appropriation to the department of health care policy and financing. Decreases the general fund portion of the appropriation and increases the cash funds exempt and federal funds portions.

Makes adjustments to the 2003 general appropriation act to reduce the total

amount appropriated to the medicaid-funded programs.

APPROVED by Governor March 11, 2005

EFFECTIVE March 11, 2005

S.B. 05-113 Supplemental appropriation - department of higher education. Amends the 2004 general appropriation act to decrease the total appropriation to the department of higher education. Decreases the cash funds and cash funds exempt portions of the appropriation.

APPROVED by Governor March 11, 2005

EFFECTIVE March 11, 2005

S.B. 05-114 Supplemental appropriation - department of human services. Amends the 2004 general appropriation act to increase the total appropriation to the department of human services. Increases the general fund and federal fund portions of the appropriation and decreases the cash funds and cash funds exempt portions.

APPROVED by Governor March 11, 2005

EFFECTIVE March 11, 2005

S.B. 05-115 Supplemental appropriation - judicial department. Amends the 2004 general appropriation act to decrease the total appropriation to the judicial department. Decreases the general fund, cash funds exempt, and federal funds portions of the appropriation and increases the cash funds portion.

APPROVED by Governor March 11, 2005

EFFECTIVE March 11, 2005

S.B. 05-116 Supplemental appropriation - department of labor and employment. Amends the 2004 general appropriation act to decrease the total appropriation to the department of labor and employment. Decreases the general fund, cash funds, and cash funds exempt portions of the appropriation and increases the federal funds portion.

APPROVED by Governor March 11, 2005

EFFECTIVE March 11, 2005

S.B. 05-117 Supplemental appropriation - department of law. Amends the 2004 general appropriation act to increase the total appropriation to the department of law. Decreases the general fund portion of the appropriation and increases the cash funds, cash funds exempt, and federal funds portions.

APPROVED by Governor March 11, 2005

EFFECTIVE March 11, 2005

S.B. 05-118 Supplemental appropriation - department of legislature. Amends the 2004 general appropriation act to increase the total appropriation to the department of legislature. Increases the general fund portion of the appropriation.

APPROVED by Governor March 11, 2005

EFFECTIVE March 11, 2005

S.B. 05-119 Supplemental appropriation - department of local affairs. Amends the 2004 general appropriation act to increase the total appropriation to the department of local affairs. Increases the general fund and federal funds portions of the appropriation and decreases the cash funds and cash funds exempt portions.

APPROVED by Governor March 11, 2005 **EFFECTIVE** March 11, 2005

S.B. 05-120 Supplemental appropriation - department of military and veterans affairs. Amends the 2004 general appropriation act to decrease the total appropriation to the department of military and veterans affairs. Decreases the general fund and federal funds portions of the appropriation.

APPROVED by Governor March 11, 2005 **EFFECTIVE** March 11, 2005

S.B. 05-121 Supplemental appropriation - department of natural resources. Amends the 2004 general appropriation act to decrease the total appropriation to the department of natural resources. Increases the general fund and cash funds portions of the appropriation and decreases the cash funds exempt and federal funds portions.

Amends the 2003 general appropriation act to increase the total appropriation to the department of natural resources. Increases the cash funds exempt portion of the appropriation.

APPROVED by Governor March 11, 2005 **EFFECTIVE** March 11, 2005

S.B. 05-122 Supplemental appropriation - department of personnel and administration. Amends the 2004 general appropriation act to decrease the total appropriation to the department of personnel and administration. Decreases the general fund, cash funds, and cash funds exempt portions of the appropriation.

Amends the 2003 general appropriation act to increase the total appropriation to the department of personnel and administration. Increases the cash funds exempt portion of the appropriation.

APPROVED by Governor March 11, 2005 **EFFECTIVE** March 11, 2005

S.B. 05-123 Supplemental appropriation - department of public health and environment. Amends the 2004 general appropriation act to decrease the total appropriation to the department of public health and environment. Increases the general fund, cash funds, and cash funds exempt portions of the appropriations and decreases the federal funds portion.

APPROVED by Governor March 11, 2005 **EFFECTIVE** March 11, 2005

S.B. 05-124 Supplemental appropriation - department of public safety. Amends the 2004 general appropriation act to decrease the total appropriation to the department of public safety. Decreases the general fund, cash funds exempt, and federal funds

portions of the appropriation and increases the cash funds portion.

APPROVED by Governor March 11, 2005

EFFECTIVE March 11, 2005

S.B. 05-125 Supplemental appropriation - department of regulatory agencies. Amends the 2004 general appropriation act to decrease the total appropriation to the department of regulatory agencies. Decreases the general fund, cash funds, cash funds exempt, and federal funds portions of the appropriation.

APPROVED by Governor March 11, 2005

EFFECTIVE March 11, 2005

S.B. 05-126 Supplemental appropriation - department of revenue. Amends the 2004 general appropriation act to decrease the total appropriation to the department of revenue. Decreases the general fund and cash funds portions of the appropriation and increases the cash funds exempt portion.

APPROVED by Governor March 11, 2005

EFFECTIVE March 11, 2005

S.B. 05-127 Supplemental appropriation - department of state. Amends the 2004 general appropriation act to increase the total appropriation to the department of state. Increases the cash funds portion of the appropriation.

APPROVED by Governor March 11, 2005

EFFECTIVE March 11, 2005

S.B. 05-128 Supplemental appropriation - department of transportation. Amends the 2004 general appropriation act to decrease the total appropriation to the department of transportation. Increases the cash funds portion of the appropriation and decreases the cash funds exempt portion.

APPROVED by Governor March 11, 2005

EFFECTIVE March 11, 2005

S.B. 05-129 Supplemental appropriation - department of the treasury. Amends the 2004 general appropriation act to decrease the total appropriation to the department of treasury. Decreases the general fund portion of the appropriation and increases the cash funds portion.

APPROVED by Governor March 11, 2005

EFFECTIVE March 11, 2005

S.B. 05-130 Supplemental appropriation - capital construction. Amends the 2000 general appropriation act to decrease the total appropriation for capital construction projects. Decreases the amount appropriated to the department of higher education for the alliance for teaching, learning and society center, phase 1 of 3.

Amends the 2002 general appropriation act to increase the total appropriation for capital construction projects. Increases the amount appropriated to the department of higher education for landscape upgrades at the Fort Vasquez museum.

Increases the amount appropriated to the department of revenue for the state lottery computer migration to open systems.

Amends the 2003 general appropriation act to increase the total appropriation for capital construction projects. Decreases the amount appropriated to the department of corrections for the Arrowhead correctional facility chapel. Increases the amount appropriated to the department of health care policy and financing for the Colorado benefits management system. Decreases the amount appropriated to the department of higher education since the engineering entrance enhancement project at the Colorado state university was eliminated. Increases the amount appropriated to the department of human services for the Colorado benefits management system.

Amends the 2004 general appropriation act to increase the total appropriation for capital construction projects. Increases the amount appropriated to the department of higher education for united technical education campus upgrades at Mesa state college. Adds an appropriation for the university center of the arts renovations at Colorado state university. Adds funding for the alliance for teaching, learning and society center and the Wolf law school at university of Colorado, Boulder. Adds an appropriation for infrastructure renewal at university of northern Colorado. Includes funding for the Cumbres and Toltec scenic railroad commission within the Colorado historical society. Increases the amount appropriated to the department of human services for a 20-bed forensic mental health unit. Increases the amount appropriated to the department of public health and environment by eliminating the funding for contaminated sites redevelopment pursuant to HB00-1306 and adding funding for the emergency operations center, security upgrades for laboratory services, and the purchase of an automated enzyme immunoassay machine.

APPROVED by Governor March 11, 2005 **EFFECTIVE** March 11, 2005
PORTIONS VETOED March 11, 2005

S.B. 05-203 Legislative appropriation - reimbursement of state auditor's costs of auditing certain governmental entities. Makes appropriations for matters related to the legislative department for the 2005-06 fiscal year.

When an audit is conducted of self-supporting or nonappropriated activities of a state department, institution, agency, or other governmental entity, prohibits the use of general fund moneys to pay the cost of the audit, and requires the state auditor to be reimbursed for the audit services by the entity that was audited. Requires the disclosure of such fully reimbursed audit services in the annual financial statements of the legislative department.

APPROVED by Governor May 5, 2005 **EFFECTIVE** May 5, 2005

S.B. 05-209 General appropriation - long bill. Makes appropriations for the payment of expenses of the executive, legislative, and judicial departments of the state of Colorado, and of its agencies and institutions, for and during the fiscal year beginning July 1, 2005. Sets the grand total for the operating budget at \$14,872,135,387 of which \$6,219,413,983 is from the general fund, \$525,894,429

is from cash funds, \$4,559,351,196 is from cash funds exempt, and \$3,567,475,779 is from federal funds.

Appropriates \$303,316,705, of which \$51,727,197 is from capital construction fund exempt, 19,750,000 is from cash funds, \$222,859,642 is from cash funds exempt, and \$8,979,866 is from federal funds.

Makes additional changes in appropriations for the 2004-2005 fiscal year.

APPROVED by Governor May 2, 2005

EFFECTIVE May 2, 2005
PORTIONS VETOED May 2, 2005

H.B. 05-1268 AIR account moneys - transfers from department of revenue subaccount to department of public health and environment subaccount - limitations. Requires the state treasurer to transfer moneys remaining in the department of revenue subaccount in the AIR account, after all moneys appropriated to the department of revenue have been transferred for the fiscal year, to the department of public health and environment subaccount in the AIR account, as necessary, to cover appropriations made to the department of public health and environment for that fiscal year for the administration and enforcement of the automobile inspection and readjustment program. Requires the transfers to be made monthly and limits the amount of the transfers to the amount appropriated to the department of public health and environment for that fiscal year.

Specifies that the act applies to fees collected on or after August 8, 2005.

APPROVED by Governor April 20, 2005

EFFECTIVE August 8, 2005

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 05-1315 Second supplemental appropriation - department of health care policy and financing. Amends the 2004 general appropriations act to increase the total appropriation to the department of health care policy and financing. Increases the general fund, cash funds exempt, and federal funds portions of the appropriation.

APPROVED by Governor April 20, 2005

EFFECTIVE April 20, 2005

H.B. 05-1316 Second supplemental appropriation - department of human services. Amends the 2004 general appropriations act to increase the total appropriation to the department of human services. Increases the general fund, cash funds, cash funds exempt, and federal funds portions of the appropriation.

APPROVED by Governor April 20, 2005

EFFECTIVE April 20, 2005

H.B. 05-1322 Second supplemental appropriation - department of natural resources.

Amends the 2004 general appropriations act to increase the total appropriation to the department of natural resources. Increases the cash funds exempt portion of the appropriation.

APPROVED by Governor April 27, 2005

EFFECTIVE April 27, 2005

CHILDREN AND DOMESTIC MATTERS

S.B. 05-2 Juvenile parole - members of parole board needed to make decisions - juvenile's presence at parole hearing not required if in jail pending adult charges - reduction of mandatory parole on consecutive sentences. When a juvenile parole case is referred to the juvenile parole board ("board") because a hearing panel disagrees on the granting of parole, requires the decision be made by a majority vote of the board members present. States that, when the board is considering the parole of a juvenile who is a violent juvenile offender or an aggravated juvenile offender, the majority of the board members present make the decision. In the case of a juvenile who is a violent juvenile offender or an aggravated juvenile offender whose commitment is about to expire, requires a hearing panel to hold the hearing and make a recommendation to the board, and directs the board to review the case and make a decision by a majority vote of members present at the hearing of the full board. Allows the board to hold a hearing without the juvenile's presence if the juvenile is in jail pending adult charges. States that, when the board conducts a hearing in one of these cases, a quorum shall be present.

Reduces from 9 months to 6 months the period of mandatory parole for a juvenile who is committed to the department of human services on consecutive sentences for the commission of 2 or more offenses.

APPROVED by Governor April 14, 2005

EFFECTIVE April 14, 2005

S.B. 05-4 Child abuse or neglect - mandatory reporters. Adds juvenile parole and probation officers, special advocates, officers and agents of the state bureau of animal protection, and animal control officers to the list of persons required to report child abuse or neglect.

APPROVED by Governor April 22, 2005

EFFECTIVE April 22, 2005

S.B. 05-181 Child support obligations - genetic testing advisements - authority to order allocation of parental responsibilities. For actions filed on and after January 1, 2006, requires a summons in a proceeding for dissolution of marriage, a summons in a paternity action, a petition in a proceeding to compel a parent to support a child, and a notice of financial responsibility to an obligor sent by a delegate child enforcement unit, to include specified advisements regarding genetic tests. For actions filed on and after January 1, 2006, requires the judge or magistrate, at the informal hearing held after an action has been brought, to declare the existence or nonexistence of the father-child relationship and, at a hearing concerning child support, to advise the parties of specified issues regarding genetic testing.

Clarifies procedures for accomplishing service in actions to determine the existence of the father and child relationship and in actions to compel a parent to support a child.

For actions filed on and after July 1, 2005, authorizes a court with jurisdiction to determine the liability of one person for the support of another person to enter an

order concerning allocation of parental responsibilities, and makes an exception.

APPROVED by Governor April 22, 2005

PORTIONS EFFECTIVE April 22, 2005

PORTIONS EFFECTIVE July 1, 2005

PORTIONS EFFECTIVE January 1, 2006

H.B. 05-1034 Competency-to-proceed - juvenile delinquency cases. Creates a competency-to-proceed statute for juvenile delinquency cases. Prohibits a juvenile who is incompetent to proceed from being tried or sentenced. Requires the court, prosecution, defense, guardian ad litem, probation department, parent, or legal guardian to raise the issue of competency if there is a belief the juvenile is incompetent to proceed. When the issue of competency is raised, requires the court to make a preliminary finding regarding whether the juvenile is competent to proceed. Permits the court to order a competency evaluation to aid in making the preliminary finding. Creates a procedure for a party to challenge the preliminary finding. States the preliminary finding becomes a final determination if there is no challenge to the preliminary finding.

If the court determines the juvenile is incompetent to proceed, requires the court to determine whether the juvenile may be restored to competency. If the court finds the juvenile restorable, directs the court to stay the proceedings and order restoration services in the least restrictive environment, taking into account public safety and the best interests of the juvenile. Requires the court to review the juvenile's progress toward competency at least every 90 days until competency is restored. Permits the court to order a restoration hearing on its own motion or upon motion of the prosecution or juvenile. Once the court finds the juvenile restored, directs the court to resume the proceedings.

If the court finds the juvenile is not restorable to competency, compels the court to consider a management plan for the juvenile. Directs that the management plan be based upon court findings of the least restrictive environment, taking into account public safety and the best interests of the juvenile. Directs the management plan to address treatment for the juvenile, supervisory responsibility for the juvenile, and behavior management tools, if not part of the treatment plan. Provides guidelines for what the management plan may include.

Declares that a determination of incompetency-to-proceed shall not preclude the court from considering release of the juvenile on bail. Declares evidence obtained during a competency evaluation or during treatment related to a juvenile's competency and the determination of the juvenile's competency are not admissible on the issues raised by a plea of not guilty.

APPROVED by Governor June 3, 2005

EFFECTIVE July 1, 2005

H.B. 05-1038 Child support - termination. Clarifies that, for child support orders entered on or after July 1, 1997, unless a court finds that a child is otherwise emancipated, emancipation occurs and child support terminates without either party

filing a motion when the child attains 19 years of age, absent specified circumstances.

APPROVED by Governor March 25, 2005

EFFECTIVE August 8, 2005

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 05-1093 Prospective adoptive parents - fingerprint-based criminal history record checks. Requires the state board of human services to promulgate rules concerning petitions for adoption when a child is placed for adoption by a county department of social services ("county department") or a child placement agency to require each prospective adoptive parent of the child to submit to both a state and a national fingerprint-based criminal history record check, utilizing records of the Colorado bureau of investigation and the federal bureau of investigation. Requires the county department or the child placement agency, as may be appropriate, to report to the court any case in which a fingerprint-based criminal history record check of a prospective adoptive parent of a child placed for adoption by the county department or a child placement agency reveals that the prospective adoptive parent was convicted at any time of a specified felony or misdemeanor.

Requires any other prospective adoptive parent to provide a complete set of fingerprints to the Colorado bureau of investigation to obtain fingerprint-based criminal history record checks through the Colorado bureau of investigation and the federal bureau of investigation. Requires such a prospective adoptive parent to pay for the cost of obtaining the criminal history record checks and to present the results of his or her fingerprint-based criminal history record checks to the court for review by the court.

Makes the act contingent upon passage of and decrease in state cash fund revenues resulting from House Bill 05-1264.

APPROVED by Governor May 26, 2005

EFFECTIVE May 26, 2005

NOTE: House Bill 05-1264 was signed by the governor May 27, 2005. For more information on the effective date of this act, see section 3 of the act.

H.B. 05-1141 Child abuse - positive testing at birth - certain controlled substances - exception. On and after July 1, 2005, defines "abuse" or "child abuse or neglect" for purposes of investigation of potential child abuse or neglect and adjudication of a child as neglected or dependent to include any case in which a child tests positive at birth for either a schedule-I or a schedule-II controlled substance, unless the child tests positive for a schedule-II controlled substance as a result of the mother's lawful intake of such substance as prescribed.

Specifies that when a report of known or suspected incident of intrafamilial abuse or neglect involves a case in which the child tests positive at birth for either a schedule-I or a schedule-II controlled substance and the parents of the child or a

child placement agency assisting the parents of the child has filed, or anticipates filing, a petition for expedited relinquishment, the county department of social services charged with investigating the report may appropriately verify that a petition for relinquishment has been filed or is imminent and deem that the report does not require additional investigation, pending finalization of the relinquishment.

APPROVED by Governor May 26, 2005

EFFECTIVE July 1, 2005

H.B. 05-1157 Allocation of parental responsibilities - supplemental evaluation - judicial discretion. In a domestic relations proceeding, directs the court to deny a supplemental evaluation to an initial evaluation concerning the allocation of parental responsibilities when the court determines that, in addition to the initial evaluation, there has been a previous investigation and report by a special advocate and the court finds that a supplemental evaluation will not serve the best interests of the child.

APPROVED by Governor June 3, 2005

EFFECTIVE June 3, 2005

H.B. 05-1170 Anticipated expedited relinquishment - children under one year of age - notice to other or possible parent - administrative procedures. Authorizes a licensed child placement agency assisting a parent who plans to relinquish a child through an expedited relinquishment to provide notice of the anticipated expedited relinquishment on behalf of the relinquishing parent to any other birth parent or possible birth parent who is not a presumed parent. Specifies that the licensed child placement agency may give notice of the anticipated expedited relinquishment prior to or after the filing of the affidavit and petition with the court, but not more than 60 days prior to the anticipated birth of the child to be relinquished. Specifies requirements for serving notice and for information that shall be included in the notice. States that, to properly reply to a notice and declare an intent to contest the termination of the parent-child legal relationship, the other birth parent or possible birth parent shall, no later than 20 days after receiving notice or before a relinquishment petition is filed with the court, whichever occurs later, either return a reply form to the licensed child placement agency or appear at the licensed child placement agency to declare an intent to contest the termination, and file a claim of paternity.

States that the other birth parent or possible birth parent who is served with notice and fails to reply as required waives the right to further notice of proceedings related to the anticipated expedited relinquishment and irrevocably waives the right to appear and contest the termination of his or her parental rights. Makes an exception if the other birth parent or possible birth parent proves, by clear and convincing evidence, that it was not possible to properly reply to the notice and that he or she replied within 20 days after it became possible to do so.

Requires a licensed child placement agency that provides notice of the anticipated expedited relinquishment on behalf of the relinquishing parent to file an affidavit of administrative notice and all available evidence supporting the affidavit with the court.

States that providing notice of the anticipated expedited relinquishment does not require a parent who plans to relinquish a child to file the anticipated expedited relinquishment.

APPROVED by Governor March 31, 2005

EFFECTIVE July 1, 2005

H.B. 05-1171 Court appointments - parenting coordinator - decision-maker.

Authorizes the court to appoint a parenting coordinator as a neutral third party to assist in the resolution of disputes between the parties concerning parental responsibilities, including but not limited to the implementation of the court-ordered parenting plan. Requires the court to make certain findings prior to appointing a parenting coordinator if there is not an agreement between the parties to appoint a parenting coordinator. Specifies the duties of a parenting coordinator. Prohibits the parenting coordinator from performing specified activities with respect to the case. Requires a court order appointing a parenting coordinator to be for a specified term of 2 years or less. Authorizes extension, modification, or termination of the appointment upon agreement of the parties. Requires the court order appointing a parenting coordinator to include apportionment of the responsibility for payment of all of the parenting coordinator's fees between the parties. Restricts a parenting coordinator from testifying in a judicial, administrative, or other proceeding between the parties to the action. Requires a parenting coordinator to comply with any applicable provisions set forth in chief justice directives and any other practice or ethical standards established by rule, statute, or licensing board that regulates the decision-maker.

Upon written consent of both parties to a domestic relations proceeding, authorizes the court to appoint a qualified domestic relations decision-maker and to give the decision-maker binding authority to resolve disputes between the parties concerning the parties' minor or dependent children. Grants to a decision-maker the authority to make binding determinations to implement or clarify the provisions of an existing court order in a manner that is consistent with the substantive intent of the court order. States that a decision-maker may be the same person as the parenting coordinator. Requires the decision-maker's procedures for making determinations to be in writing and approved by the parties prior to the time the decision-maker begins to resolve a dispute of the parties. Specifies that a decision is effective immediately upon issuance and that it continues in effect until vacated, corrected, or modified by the decision-maker or until an order is entered by a court pursuant to a de novo hearing by the court. Requires a court order appointing a decision-maker to be for a specified term of 2 years or less, unless the parties agree otherwise. Specifies that the court order appointing a decision-maker shall include apportionment of the responsibility for payment of all of the decision-maker's fees between the parties. Grants a decision-maker immunity from civil liability in specified circumstances. Specifies that a decision-maker shall not be competent to testify, and makes exceptions. Requires the decision-maker to comply with any applicable provisions set forth in chief justice directives and any other practice or ethical standard established by rule, statute, or licensing board that regulates the decision-maker.

Modifies procedures concerning court review of a decision of an arbitrator appointed to resolve disputes between the parties concerning the parties' minor or

dependent children.

APPROVED by Governor June 2, 2005

EFFECTIVE June 2, 2005

H.B. 05-1172 Court appointments - domestic relations - legal representative of the child - child and family investigator. On and after July 1, 2005, clarifies statutory provisions related to appointments in domestic relations cases involving the allocation of parental responsibilities to specify that the court may appoint the following: An attorney to serve as a legal representative of the child to represent the best interests of the child; a child and family investigator, formerly named a special advocate, to investigate, report, and make recommendations as directed by the court; or both a legal representative of a child and a child and family investigator, so long as the same person is not appointed to both positions.

Specifies the general assembly's intent that a person appointed as a legal representative of the child or as a child and family investigator receive quasi-judicial immunity for actions taken within the scope of the person's duties.

Clarifies that the attorney acting as legal representative of the child is required to ascertain and consider the wishes of the child, but that the legal representative is not required to adopt the child's wishes in his or her recommendation or advocacy for the child, unless the child's wishes serve the child's best interests. Specifies that legal representatives are required to comply with the Colorado rules of professional conduct and any other applicable provisions set forth in chief justice directives concerning the duties or responsibilities of best interest representation in legal matters affecting children.

Changes the title of "special advocate" to "child and family investigator" and clarifies that the child and family investigator may be an attorney, a mental health professional, or any other individual with appropriate training, qualifications, and an independent perspective acceptable to the court. Requires the child and family investigator to investigate, report, and make recommendations as specifically directed by the court in the appointment order, taking into consideration the relevant factors for determining the best interests of the child. Requires the child and family investigator to disclose the child's wishes to the court, but does not require the child and family investigator to adopt the child's wishes in making his or her recommendations to the court unless the child's wishes serve the child's best interests. Requires the child and family investigator to comply with any applicable provisions set forth in chief justice directives and any other practice or ethical standards established by rule, statute, or licensing board that regulates the child and family investigator.

States that certain provisions of the act take effect only if House Bill 05-1157 and House Bill 05-1171 are enacted and become law.

APPROVED by Governor June 2, 2005

EFFECTIVE July 1, 2005

NOTE: House Bill 05-1157 was signed by the governor on June 3, 2005, and House Bill 05-1171 was signed by the governor on June 2, 2005.

H.B. 05-1173 Child placement - court procedures. Requires a request to the court that guardianship and legal custody of the child be placed in a grandparent, aunt, uncle, brother, or sister ("relative") of a child to be submitted no later than 20 days after a motion for termination of the parent-child legal relationship is filed. Requires the court to advise the parent or parents that a relative of the child may make such a request after the motion for termination of parent-child legal relationship is filed. Requires the motion for termination to include a statement giving notice of the requirement that a relative file a request for guardianship or legal custody of the child within 20 days of the filing of the motion for termination.

Specifies that the court shall hold a hearing on the petition for adoption, in any adoption other than a stepparent, custodial, or kinship adoption, no sooner than 6 months after the date that the child begins to live in the prospective adoptive parent's home, unless the court for good cause extends or shortens this time period.

Authorizes the court to order that an adoption hearing be opened to the public or to the child who is the subject of the adoption if the court finds that opening the hearing is in the best interests of the child and the court finds that the potential adoptive parents have consented to an open hearing.

APPROVED by Governor March 31, 2005

EFFECTIVE March 31, 2005

H.B. 05-1174 Out-of-home placement of children - relatives - temporary custody - affidavit and advisement - permanent placement - preference - considerations. On and after July 1, 2005, at each temporary custody hearing, requires the court to advise the parents that the child can be placed with a relative if, in the court's opinion, such placement is appropriate and in the child's best interests. Requires the state court administrator to prepare a form affidavit and advisement and requires the form to be available at each judicial district to each parent attending a temporary custody hearing. Specifies the advisements and requested information required to be included on the form affidavit and advisement.

Requires the court to order the parents to complete the form affidavit and advisement no later than 15 days after the date of the hearing or prior to the next hearing on the matter, whichever occurs first. Requires the court to advise each parent that failure to identify in a timely manner every relative who may be an appropriate relative placement for the child may result in the child being placed permanently outside of the home of the child's relatives. If the court orders the county department of social services ("county department") to contact appropriate identified relatives, requires the county department to give specified advisements to each appropriate identified relative.

Permits the court to authorize the county department with temporary custody of a child to place the child with a relative without the necessity for a hearing if a county department locates an appropriate, capable, and willing relative who is available to care for the child and the guardian ad litem of the child concurs that the placement is in the best interests of the child.

Specifies that, when granting guardianship of the person or legal custody of a child following an order of termination of the parent-child legal relationship, the

court may, but is not required to, give preference to a grandparent, aunt, uncle, brother, sister, half-sibling, or first cousin of the child when such relative has made a timely request therefor and the court determines that the placement is in the best interests of the child.

Authorizes placement decisions following an order of termination of the parent-child legal relationship and at periodic reviews conducted by the court or the department of human services to include consideration of all pertinent information related to modifying the placement of the child prior to removing the child from his or her placement, and specifies the issues to which the court should give strong consideration.

APPROVED by Governor June 1, 2005

EFFECTIVE July 1, 2005

H.B. 05-1175 Emergency placement of children - authorized county department and local law enforcement agency collaboration - initial criminal history record checks - fingerprint verification. Authorizes a county department of social services ("county department") and local law enforcement agencies to collaborate to perform initial criminal history record checks followed by fingerprint verification for the emergency placement of children. If a county department elects to collaborate with local law enforcement agencies for the emergency placement of children using criminal history record checks, then any time a child is taken into temporary custody by a law enforcement officer and any time the court places temporary custody of a child with a county department and a relative or other available person is identified as a potential emergency placement for the child, requires the local law enforcement agency to conduct an initial name-based criminal history record check of the person prior to the county department or local law enforcement officer placing the child in the emergency placement. Authorizes the local law enforcement agency to provide the county department with a verbal response regarding the person's criminal history. Prohibits a child from being placed on an emergency basis with a person with a specified criminal history.

If the initial criminal history record check does not reveal a criminal history that would preclude the child from being placed with the person, authorizes the child to be placed with the person. Requires the person to report to a local law enforcement agency for the purpose of providing fingerprints to the local law enforcement agency no later than 72 hours after a child is placed in the person's home. If the person fails to report, authorizes the county department or the local law enforcement agency to remove the child immediately from the physical custody of the person if the removal is in the best interests of the child.

When the person reports to a local law enforcement agency, requires the local law enforcement agency to fingerprint the person and forward the fingerprints to the Colorado bureau of investigation for the purpose of obtaining a state and federal fingerprint-based criminal history record check. If the fingerprint-based criminal history record check indicates that the person has a specified criminal history, requires the county department or the local law enforcement agency, whichever is appropriate, to immediately remove the child from the emergency placement.

Requires the board of human services to promulgate rules to implement

requirements concerning the use of criminal history record information for emergency placement of children.

APPROVED by Governor May 27, 2005

EFFECTIVE May 27, 2005

H.B. 05-1200 Maintenance and child support - enforcement - district attorney's office. Repeals the requirement that a district attorney assist the court on behalf of a person who is entitled to receive maintenance or support. Repeals the independent authority of a district attorney to institute proceedings to enforce duties of maintenance and support. Authorizes a district attorney's office to be a contractual agent of a county department of social services to act as a delegate child support enforcement unit.

APPROVED by Governor May 12, 2005

EFFECTIVE August 8, 2005

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 05-1270 Amber Alert - newborns. Clarifies that newborn infants are included in the definition of an abducted child in the amber alert program. Provides that the Colorado bureau of investigation need not have complete identification information to issue and amber alert for a newborn infant.

APPROVED by Governor May 27, 2005

EFFECTIVE May 27, 2005

H.B. 05-1280 Child fatality prevention - state and local review teams - creation. Authorizes each judicial district to establish a local child fatality prevention review team ("local review team"). Specifies that the district attorney of the judicial district shall call the first meeting of a local review team. Requires each local review team established to consist of specified representatives of public and nonpublic agencies in the judicial district that provide services to children and their families and of other individuals who represent the community. Authorizes local review teams to include representatives from additional entities or groups in the judicial district. Requires local review teams to review specified cases of death of children 18 years of age and younger in the judicial district and specifies the local review team's duties with respect to each case reviewed. Authorizes local review teams, within existing appropriations and community resources, to promote continuing education for professionals and to promote public education related to preventing child deaths.

Creates the Colorado state child fatality prevention review team ("state review team") in the department of public health and environment ("department"). On or before September 1, 2005, requires the governor to appoint the 17 voting members of the state review team. Requires the executive directors of the departments of human services, public health and environment, and public safety, and the commissioner of education to appoint 16 specific ex officio nonvoting members representing the departments. Authorizes the voting and nonvoting appointees to appoint an additional 12 nonvoting public and nonpublic agency and community members to the state review team by majority vote. Specifies the duties of the state review team. Subject to available appropriations and community resources,

authorizes the state review team to distribute information to the public concerning risks to children and recommendations for promoting the safety and well-being of children.

Grants the state review team and the local review teams access to specified records and information, subject to the requirements of applicable federal law. States that meetings of the state review team and the local review teams are subject to open meetings requirements. Requires each member of the state review team, each member of a local review team, and each invited participant at a meeting to sign a statement indicating an understanding of confidentiality requirements. Specifies that a knowing violation of confidentiality requirements is a class 3 misdemeanor. Authorizes specified release of information by members of the state review team and the local review teams to governmental agencies. Specifies limitations for examining a member of the state review team, a local review team, or a person who presents information to a review team in any civil or criminal proceeding and limitations for subpoenaing, discovering, or introducing into evidence information, documents, and records of the state review team or a local review team.

Establishes the child fatality prevention cash fund and authorizes the division of prevention services in the department of public health and environment to receive contributions, grants, and donations from any public or private entity for any direct or indirect costs associated with the duties of the state review team.

APPROVED by Governor June 2, 2005

EFFECTIVE June 2, 2005

H.B. 05-1287 Adoption - access to original birth certificates - submission of contact information and medical history statements by birth parents - appropriation. Directs the state registrar of vital statistics ("state registrar") to prescribe and make available to a birth parent named on an original birth certificate a contact preference form regarding future contact by an adult adoptee or adult descendant of the adoptee. Specifies that the contact preference form shall provide the birth parent with options to indicate whether or not the birth parent would like to be contacted and whether the birth parent would prefer to be contacted through a confidential intermediary or by a child placement agency. Allows a birth parent to voluntarily supply current contact information on the contact preference form. Provides a birth parent the opportunity in the contact preference form to authorize the release of the original birth certificate to the adult adoptee or the adoptee's descendants.

Directs the state registrar to prescribe an updated medical history statement that may be filled out by a birth parent and submitted to the state registrar. Allows the birth parent to submit updated medical history statements in the future to the state registrar no more frequently than every 3 years, unless there is a significant change in medical history.

Directs the state registrar to maintain contact preference forms and updated medical history statements. Specifies how such information may be accessed by adult adoptees and other authorized persons. Directs that the medical history statement indicate that the birth parent is waiving confidentiality of any medical information supplied in the statement. Requires the state registrar to accept contact preference forms and updated medical history statements on or after January 1, 2006.

For adoptions finalized in this state prior to September 1, 1999, allows an adult adoptee, an adult descendant of an adoptee, a birth parent, or the legal representative of any such person to apply for a noncertified copy of the unaltered original birth certificate of the adoptee from the state registrar on or after January 1, 2007. Authorizes the state registrar to issue the original birth certificate to such persons if both birth parents have filed a contact preference form authorizing the release of the birth certificate. Directs the state registrar to issue the copy of the original birth certificate to the applicant with the name of the nonconsenting birth parent redacted, if only one birth parent has filed an authorization to release the original birth certificate.

Directs child placement agencies to make efforts to notify birth parents who executed a no-contact statement after relinquishing a child for adoption of the opportunity to submit a contact preference form and updated medical history statement.

Changes the age of "adult adoptee" from 21 to 18 for purposes of obtaining access to adoption records or for making contact through the voluntary adoption registry to conform with the age at which an adoptee may initiate a confidential intermediary search.

Defines "adoption triad".

Directs that the executive directors of the department of human services and the department of public health and environment design and conduct a statewide and national public information campaign within existing appropriations on the changes in the law regarding adoption records. States that the campaign shall be conducted between July 1, 2005, and January 1, 2007. Directs that such public information campaign provide referral information on community resources that may assist adoptees, birth parents, and adoptive parents in dealing with issues that arise in searches and reunifications or decisions not to search.

Appropriates \$8,657 and 0.2 FTE out of the vital statistics records cash fund to the department of public health and environment for the implementation of the act.

APPROVED by Governor June 2, 2005

EFFECTIVE July 1, 2005

CONSUMER AND COMMERCIAL TRANSACTIONS

S.B. 05-89 Unfair drug pricing - deceptive trade practice. Allows the department of public health and environment to determine if there is a shortage of drugs critical to public safety and to declare an emergency for the purpose of preventing the practice of unfair drug pricing. Makes the practice of unfair drug pricing a deceptive trade practice.

APPROVED by Governor April 22, 2005

EFFECTIVE April 22, 2005

S.B. 05-205 Modifications to requirements of charitable solicitations act - definition of "paid solicitor" and "professional fundraising consultant" - charitable organization filing requirements - electronic filing of uniform multistate registration statements and federal annual information returns - appropriation. Amends the "Colorado Charitable Solicitations Act" as follows:

- Clarifies that a lawyer, investment counselor, or banker is not considered a "paid solicitor" or "professional fundraising consultant" as a result of rendering professional services to a charitable organization or advising a person to make a charitable contribution during the course of rendering professional services to the person;
- Obligates a charitable organization that has filed a good faith estimate of financial information for its first fiscal year to amend its initial registration statement within a certain period after the close of its first fiscal year;
- Requires the registration filed by a charitable organization with the secretary of state to also contain the names and addresses of any paid solicitors, professional fundraising consultants, and commercial coventurers who are acting or have agreed to act on behalf of the charitable organization, and specifies that if the paid solicitor, professional fundraising consultant, or commercial coventurer is a partnership, corporation, limited liability company, or other legal entity, the charitable organization need only list the name and address of the legal entity;
- Requires the secretary of state to take steps to enable and promote electronic filing of uniform multistate registration statements and federal annual information returns and to participate in a national online charity information system if deemed appropriate;
- Specifies that the registration exemption available to charitable organizations that do not receive revenues of more than \$25,000 in a fiscal year or from more than 10 donors does not apply to a charitable organization that contracts with a paid solicitor to solicit contributions in Colorado for the organization; and
- Modifies the content of the registration form for professional fundraising consultants to require inclusion on the form of the applicant's business and, if not an individual, the place and date of legal formation.

Appropriates from the department of state cash fund to the department of

state, \$104,317 and 0.3 FTE for the implementation of this act.

APPROVED by Governor June 3, 2005

EFFECTIVE June 3, 2005

H.B. 05-1059 Prohibition against unsolicited facsimiles - exemptions. Adds exemptions to the prohibition against sending an unsolicited facsimile for an existing business relationship and for a nonprofit organization that has the recipient's prior express written invitation or permission to deliver the facsimile.

APPROVED by Governor May 4, 2005

EFFECTIVE May 4, 2005

H.B. 05-1162 Energy efficiency standards - household appliances, commercial equipment, and traffic signals. Declares that the use of more energy-efficient appliances can save money, conserve water, reduce pollution, avoid utility infrastructure costs, and benefit local economies.

Adopts statutory standards for the energy efficiency of the following household appliances, commercial equipment, and traffic signals sold in Colorado on or after January 1, 2008, or installed in Colorado on or after January 1, 2009:

- Automatic commercial ice-makers;
- Commercial pre-rinse spray valves;
- Digital television adapters;
- Illuminated exit signs;
- Low-voltage, dry-type distribution transformers;
- Metal halide lamp fixtures;
- Single-voltage external AC to DC power supplies;
- State-regulated incandescent reflector lamps;
- Torchiere fixtures;
- Traffic signal modules;
- Unit heaters; and
- Swimming pool pump motors.

Adopts statutory standards for the energy efficiency of new commercial refrigerators and freezers and new large packaged air conditioning equipment sold in Colorado on or after January 1, 2010, or installed in Colorado on or after January 1, 2011.

Requires manufacturers of products subject to energy efficiency standards to test samples of the product, when necessary, to determine compliance with applicable standards and to certify in writing to the state attorney general that the product sold in Colorado meets the applicable energy efficiency standards. Allows a manufacturer that has provided a certification to another state that has identical energy efficiency standards for the specific product and that maintains a database of compliant products to comply with the Colorado certification requirement by providing a copy of the certification provided to the other state or other proof of compliance deemed appropriate by the attorney general.

Exempts the following products from the energy efficiency standards:

- New products manufactured in Colorado and sold outside of Colorado;
- New products manufactured outside of Colorado and sold at wholesale in Colorado for final retail sale and installation outside of Colorado;
- Products installed in mobile or manufactured homes at the time of construction; and
- Products designed expressly for installation and use in recreational vehicles.

Specifies that sale or installation of a noncomplying product in violation of the applicable energy efficiency standards constitutes a deceptive trade practice.

VETOED by Governor April 28, 2005

H.B. 05-1166 Health care provider collection of outstanding debt - notice required - definition of "collection activity". For purposes of the notice of debt requirements imposed on health care providers prior to starting collection activities against the debtor, specifies that "collection activity" is limited to those activities of a licensed collection agency, using a business name other than that of the health care provider, provided or performed for purposes of collecting a debt and does not include the normal billing practices of the health care provider.

Modifies the requirement that a health care provider, prior to engaging a collection agency, give notice of the debt to the person who received care or treatment from the provider when the person has notified the provider of health care coverage and the health coverage plan pays only a portion of the debt to specify that the recipient of care or treatment must give notice of health care coverage within 30 days after receipt of the care or treatment. Allows the notice to contain the number of days following the notice that the health care provider will accept payment, rather than just the last date on which the health care provider will accept payment.

Declares that the failure of a health care provider to supply the required notice does not give rise to a cause of action or remedy against a collection agency under the "Colorado Fair Debt Collection Practices Act".

Specifies that the act applies to amounts due and owing on or after August 8, 2005.

APPROVED by Governor April 5, 2005

EFFECTIVE August 8, 2005

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 05-1288 Commercial solicitations - cellular telephones - penalties. Specifies that, on or after September 1, 2005, a person commits an unlawful telemarketing

practice if the person knowingly lists a cellular telephone number in a directory for a commercial purpose without the owner's consent or uses a scanning device or other electronic means to make a commercial telephone solicitation to a cellular telephone. Specifies penalties for violations.

APPROVED by Governor May 27, 2005

EFFECTIVE August 8, 2005

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

CORPORATIONS AND ASSOCIATIONS

S.B. 05-76 Corporate action without a shareholders' meeting - criteria and required written, signed consent - notice to nonconsenting shareholders. Amends the "Colorado Business Corporation Act" to allow the minimum number of shareholders of a Colorado corporation necessary to take action on an issue to take the action without a meeting if the shareholders holding shares having at least the minimum number of votes necessary to approve the action at a meeting at which all shares entitled to vote on the action were present and voted, rather than all of the shareholders entitled to vote on the proposed action, consent in writing to the action without a meeting and if the articles of incorporation expressly allow action without a shareholders' meeting under these circumstances.

Specifies that, if cumulative voting is allowed for the election of directors, shareholders may take action to elect or remove directors without a meeting only if the articles of incorporation do not require that such action be taken at a shareholders' meeting and all of the shareholders entitled to vote sign writings describing and consenting to the election or removal of the same directors.

Specifies that the requisite number of written and signed consents to corporate action without a shareholders' meeting must be received by the corporation within 60 days after receipt of the first such consent in order to take the action. States that the action is effective on the date of receipt of the last writing necessary to effect the action unless another effective date is specified in all the writings received by the corporation.

When a corporation acts without a meeting and without the unanimous consent of all the shareholders entitled to vote on the action, requires the corporation or shareholders taking action without a meeting to provide notice of the action to all shareholders who were entitled to vote on the action and who did not consent to the action without a meeting.

APPROVED by Governor April 22, 2005

EFFECTIVE April 22, 2005

H.B. 05-1149 Business entities - governance - annual report procedures - reinstatement of dissolved entities - conversion procedures - delinquency. Amends the corporations and associations laws to:

- Refer to a limited liability agreement as an operating agreement throughout;
- Clarify when a document becomes effective;
- Increase the secretary of state's ability to accept documents electronically;
- Clarify the process by which a statement of correction revokes a filed document;
- Modify procedures to be followed by the secretary of state in connection with annual report provisions; and
- Conform laws with regard to:
 - Mergers of nonprofit entities; and
 - Articles of reinstatement.

Specifies that if a resulting entity will have a constituent filed document filed with the secretary of state, then the converting entity must file a combined statement of conversion and constituent filed document with the secretary of state.

Establishes procedures under which the secretary of state determines the delinquency of a reporting entity. Specifies actions to be taken by the secretary of state in connection with such determination. Specifies the effect of delinquency. Specifies the procedures to be followed by the reporting entity in order to cure delinquency.

Authorizes the secretary of state to provide notice to an entity immediately prior to the expiration of an entity's term of existence. Specifies procedures to be followed by the secretary of state in connection with such notice.

Specifies procedures that allow a manager to file a statement of dissolution of delinquent entity for a delinquent entity that has been delinquent for 3 years or more.

APPROVED by Governor June 3, 2005

EFFECTIVE October 1, 2005

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

CORRECTIONS

S.B. 05-16 Department of corrections - division of correctional industries - surplus state property. Requires the director of the division of correctional industries in the department of corrections ("division") to promulgate rules authorizing daily warehouse sales and specifying when a public employee may purchase surplus state property. Authorizes the division to assess fees against the disposer of surplus state property.

APPROVED by Governor March 18, 2005

EFFECTIVE August 8, 2005

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 05-104 Correctional facilities - designations - security levels. Adds Fort Lyon correctional facility to the list of state correctional facilities as a level III security facility. Changes the name of Pueblo minimum center to La Vista correctional facility, and changes the security level from level II to level III. Requires the department of corrections to only use flexible federal funds to retrofit the Pueblo minimum center.

APPROVED by Governor April 14, 2005

EFFECTIVE April 14, 2005

H.B. 05-1278 State criminal alien assistance program cash fund - creation - annual appropriation. Creates the state criminal alien assistance program cash fund. Specifies that the fund consists of moneys received by the state under the federal state criminal alien assistance program. Subjects moneys in the fund to annual appropriation by the general assembly to the department of corrections for the purposes of defraying the costs of incarcerating undocumented criminal aliens who are sentenced to a term of imprisonment with the department. Requires the governor to submit to the United States attorney general, in connection with an annual request for compensation to the state under the program, the average per-inmate cost and total cost of incarcerating undocumented criminal aliens for the fiscal year for which the request is made.

Makes specified appropriation modifications in the act contingent on the passage of Senate Bill 05-109.

APPROVED by Governor June 1, 2005

EFFECTIVE June 1, 2005

NOTE: Senate Bill 05-109 was signed by the governor March 11, 2005.

COURTS

S.B. 05-25 Damages statutes - dollar limitations on damages - updated adjustment for effects of inflation. Updates the 1998 inflation adjustment in certain damages limitation statutes by requiring that another inflation adjustment occur on January 1, 2006. Specifies that the updated inflation adjustment be made in the damages limitation statutes concerning alcohol beverage licensees, noneconomic damages, and wrongful death.

VETOED by the Governor April 14, 2005

S.B. 05-30 Family-friendly court services - grant moneys - state court administrator considerations - requirements for specified judicial districts. Specifies that the state court administrator, in determining which judicial districts may receive grant moneys for the provision of family-friendly court services, shall consider the extent to which a judicial district is responsible for specified aspects of providing child care and other family services for persons attending court proceedings.

Requires the judicial districts selected by the state court administrator to implement a method of evaluating the effectiveness of the family-friendly court program and assessing the impact of the child care and informational services provided and to report annually to the state court administrator concerning the evaluation.

If the state court administrator selects a judicial district to provide family-friendly court services that include child care services, requires the family-friendly court program in the judicial district to meet the licensing requirements for child care facilities.

Removes the July 1, 2005, repeal of the "Family-friendly Courts Act".

APPROVED by Governor June 2, 2005

EFFECTIVE June 2, 2005

S.B. 05-142 Construction agreements - indemnification - limitations. Specifies that any provision in a construction agreement that requires a person, surety, or insurer to indemnify an indemnitee for damage or injury caused by the negligence of the indemnitee or a third party under the indemnitee's control is void as against public policy.

Specifies that a construction agreement may require a negligent party to indemnify other parties but only to the extent of the indemnifying party's negligence. Prevents any party to a construction agreement from transferring responsibility for its own negligence to another party.

Clarifies that the following are not affected: Clauses in construction bonds or construction agreements that require a party to purchase certain project-specific insurance policies; construction agreements concerning property owned or operated by a railroad; certain leases and rental agreements; and construction agreements

concerning certain dwellings.

VETOED by Governor May 31, 2005

H.B. 05-1013 Guardian and conservator nominees - acceptance of office - background information requirements - attachments - exceptions - court authority - appropriation. Requires a nominee for guardian, emergency guardian, conservator, or special conservator to file an acceptance of office with the court detailing the nominee's specified criminal history, civil protection or restraining order history, civil judgment history, and court-appointment history.

In support of the acceptance of office, requires the nominee to attach to the acceptance of office a name-based criminal history record check by the Colorado bureau of investigation, a credit report, and a verification under penalty of perjury that all of the information is accurate and complete. Authorizes the court to waive the attachments requirement for good cause shown when making an emergency appointment of a guardian or when making an appointment of a special conservator. After a hearing, requires the court to issue appropriate letters of guardianship or conservatorship if the court finds that the nominee is appropriate for the office. Makes exceptions to the acceptance of office background requirements. Authorizes the court to require a nominee to obtain additional background information for the court's review, including a fingerprint-based criminal history record check through the Colorado bureau of investigation and the federal bureau of investigation.

Appropriates \$8,727 to the department of public safety for allocation to the Colorado bureau of investigation for the implementation of the act. Makes implementation of the act contingent upon the passage of and decrease in state cash fund revenues resulting from House Bill 05-1264.

APPROVED by Governor June 3, 2005

EFFECTIVE June 3, 2005

NOTE: House Bill 05-1264 was signed by the governor May 27, 2005. For more information on the effective date see section 3 of this act.

H.B. 05-1065 Name change - file in the court with jurisdiction over a domestic matter related to the petitioner - length of publication notice. Requires that a name-change petition for a person under 19 years of age, who is the subject of an action concerning child support, allocation of parental responsibilities, or parenting time, be initially filed in the court having jurisdiction over the domestic relations matter. Requires reporting of out-of-state actions concerning child support, allocation of parental responsibilities, or parenting time in the initial filing.

Changes the time for publication of notice from 20 to 21 days.

APPROVED by Governor February 23, 2005 **EFFECTIVE** February 23, 2005

H.B. 05-1108 Evidentiary privilege - peer support services - law enforcement or firefighter peer support team member - exceptions. Creates an evidentiary privilege for communications made by or to a participant receiving peer support services from

a law enforcement or firefighter peer support team member. Specifies certain exceptions to the evidentiary privilege.

APPROVED by Governor March 25, 2005

EFFECTIVE July 1, 2005

H.B. 05-1121 Service of process - substitute service on secretary of state - actions involving operation of motor vehicles - appropriation. Allows substitute service of process upon the secretary of state (secretary) when any action has been initiated because of the occurrence of damage or loss to person or property as a result of the operation of a motor vehicle in this state if, after reasonable diligence and 120 days, the operator cannot be located.

Requires service of process to be filed with the secretary with a fee. Requires that notice of service be sent to the defendant with an affidavit of compliance attached to the summons within 10 days after service upon the secretary. Requires the secretary to keep a record of all process served. Requires process to be served upon the defendant's insurance company.

Appropriates \$75,284 and 0.1 FTE from the department of state cash fund for the implementation of this act.

VETOED by Governor June 1, 2005

H.B. 05-1184 Good samaritan law for employers. Exempts an employer from civil liability for acts or omissions made by an employee while rendering emergency care or emergency assistance if the employee:

- Renders the emergency care or emergency assistance in the course of his or her employment; and
- Is personally exempted by current law from liability for civil damages for the acts or omissions.

APPROVED by Governor April 7, 2005

EFFECTIVE August 8, 2005

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

CRIMINAL LAW AND PROCEDURE

S.B. 05-34 Alcohol-without-liquid device - prohibition - penalty - alcohol beverage license suspension - exemptions - required notice. Prohibits the possession, sale, purchase, and use of certain devices that create alcohol vapor from a mixture of alcohol beverage and oxygen ("AWOL device"). Makes it a class 2 misdemeanor to violate the prohibition. Authorizes the state or a local alcohol beverage licensing authority to suspend or revoke the license of a licensee that violates the prohibition.

Exempts certain hospitals, state institutions, private colleges and universities, pharmaceutical companies, and biotechnology companies from the prohibition. Requires an exempt entity that possesses or intends to acquire an AWOL device to file a notice with the department of public health and environment.

APPROVED by Governor April 27, 2005

EFFECTIVE July 1, 2005

S.B. 05-68 Third-degree assault and reckless endangerment - enhanced sentencing - mental health professional victim. Allows the court to sentence a defendant to a sentence of up to twice the maximum of the sentencing range if the defendant is convicted of third-degree assault or reckless endangerment and the victim is a mental health professional employed by the department of human services.

APPROVED by Governor June 2, 2005

EFFECTIVE July 1, 2005

S.B. 05-137 Identity theft - security freeze - secretary of state removal of personal identify information in public documents - theft of personal identifying information from a trash receptacle. Permits a consumer to put a security freeze on his or her credit report. Allows the consumer to temporarily lift the security freeze to allow a particular entity access to the credit report for the purpose of issuing or extending credit to the consumer. Requires a consumer reporting agency to maintain the security freeze until the consumer specifically requests its removal. Allows a consumer reporting agency to charge a fee for temporarily or permanently lifting the security freeze. Requires that a consumer be notified of the right to place a security freeze on his or her credit report each time the consumer receives a summary of the rights relating to credit reports. Allows a consumer to bring a private civil right of action or arbitration against a consumer reporting agency that releases credit information in violation of a security freeze.

Permits the secretary of state to remove personal identifying information from publicly accessible documents maintained by the secretary of state.

Makes theft of personal identifying information, with the intent to defraud, from a trash receptacle a class 1 misdemeanor if the person unlawfully enters the trash receptacle.

APPROVED by Governor June 1, 2005

PORTIONS EFFECTIVE June 1, 2005

PORTIONS EFFECTIVE August 8, 2005

PORTIONS EFFECTIVE July 1, 2006

NOTE: Portions of this act was passed without a safety clause. For further

explanation concerning the effective date, see page vi of this digest. For additional information on the effective date of various provisions of this act see section 7 of Senate Bill 05-137.

S.B. 05-138 Procedural criminal statutes - trial when bail revoked or increased - automatic privilege waiver for ineffective assistance of counsel claim - closed-circuit testimony for child under 12 or developmentally disabled person - trial exceptions for admissibility of prior sexual conduct - place of jail and trial for restraining order violation - place of trial for bail bond violation - petty offense and municipal trial jury request timing. Repeals the requirement that a person whose bail is revoked or increased based upon the commission of a new felony be tried within 90 days after issuance of the order revoking or increasing bail or within 6 months after defendant's arraignment, whichever is earlier.

Clarifies that, when a defendant makes an ineffective assistance of counsel claim, the defendant automatically waives confidentiality related to the issues in the ineffective assistance of counsel claim. Upon request of the prosecution, requires the defendant or new counsel to allow the prosecution to inspect materials that the ineffective counsel or expert released to the defendant or new counsel.

Allows the court under certain circumstances to order the testimony of a child under 12 years of age or a developmentally disabled person to be taken in a room other than the courtroom and transmitted via closed circuit to the courtroom.

States that evidence of a victim's past sexual conduct is only admissible at trial. In a motion to offer evidence of a victim's past sexual conduct, requires the court to rule on the motion without testimony if the prosecution stipulates to the facts contained in the offer of proof. Permits, rather than requires, questioning of the victim at a hearing on a motion to offer evidence of a victim's past sexual conduct. Seals all motions, documents, records, recordings, and transcripts related to a motion to offer evidence of a victim's past sexual conduct unless the court rules the evidence is admissible and the case proceeds to trial.

Allows law enforcement to take a person arrested for violation of a restraining order to jail in the county where the restraining order was issued. Permits a charge of violation of a restraining order to be tried either in the county where the violation occurred or in the county where the restraining order was issued.

Allows a case involving violation of bail bond conditions to be tried either in the county where the violation occurred or in the county where the bond was issued. In petty offense cases and municipal criminal trials, gives the defendant 20 days after entry of a plea to make a jury request in writing.

APPROVED by Governor April 29, 2005

PORTIONS EFFECTIVE April 29, 2005

PORTIONS EFFECTIVE July 28, 2005

H.B. 05-1014 Substantive criminal changes - drug lab restitution - credible threats made towards someone at a school - bias-motivated crimes - addition to schedule I narcotics. For purposes of the definition of restitution, adds costs incurred as a

result of a drug lab clean-up. For purposes of the definition of falsely completing a written instrument in the fraud statutes, removes language that makes it a question of law as to whether information used in completing a written instrument is material. Makes it a class 1 misdemeanor to make a credible threat to cause bodily injury with a deadly weapon or death to a person the actor believes to be a student, school official, or employee of an education institution or an invitee on the premises of an educational institution. Changes the crime of ethnic intimidation to bias-motivated crime by adding physical or mental disability and sexual orientation to the classes of victims against which such a crime may be committed. Effective July 1, 2006, adds 2 hallucinogenic substances to the list of schedule-I narcotics.

APPROVED by Governor June 9, 2005 **PORTIONS EFFECTIVE** July 1, 2005
PORTIONS EFFECTIVE July 1, 2006

H.B. 05-1029 Second degree contraband offenses - electronic communication devices. Adds portable electronic communication devices to the list of items that are contraband for the purposes of the crime of introducing contraband in the second degree.

APPROVED by Governor May 27, 2005 **EFFECTIVE** July 1, 2005

H.B. 05-1035 Sex offender registry - additional public access - website posting. Eliminates the jurisdictional and "need-to-know" restrictions that limit the Colorado bureau of investigation's and local law enforcement agencies' ability to release sex offender information to a requesting person. Allows a person to request a copy of the sex offender registry from the Colorado bureau of investigation. Gives a local law enforcement agency discretion whether to release information regarding a person registered on the sex offender registry to a person not residing in the local law enforcement agency's jurisdiction. Permits a local law enforcement agency to post on its website a list of the following persons on its registration list:

- Adults convicted of felonies requiring registration;
- Adults convicted of second or subsequent offenses of certain misdemeanors involving unlawful sexual behavior;
- Juveniles adjudicated for two or more offenses involving unlawful sexual behavior or a crime of violence; and
- Juveniles who fail to register as sex offenders and are required to register as the result of an adjudication of offenses that would have been felonies if committed by an adult.

Allows the Colorado bureau of investigation to post a list of all persons on the sex offender registry who are required to register as the result of a conviction for a felony.

APPROVED by Governor May 27, 2005 **EFFECTIVE** May 27, 2005

H.B. 05-1055 Restitution - money advanced by governmental agency for service animal. Expands the definition of "restitution" in the context of criminal sentencing to include money advanced by a governmental agency for a service animal. Defines

the term "money advanced by a governmental agency for a service animal" to include veterinary costs, disposal costs, and costs to train a replacement for a service animal that was harmed while aiding in official duties. Defines the term "service animal" to mean any animal that is used to aid the performance of official duties by law enforcement, fire, or search and rescue personnel.

APPROVED by Governor April 7, 2005

EFFECTIVE July 1, 2005

H.B. 05-1078 Colorado integrated criminal justice information system - executive board - composition - chief information officer - designation. Modifies the governing structure for the Colorado integrated criminal justice information system ("CICJIS") by replacing the CICJIS program task force with an executive board. Specifies the composition of the executive board. Changes the title of "chief officer" of the task force to "chief information officer" of the executive board. Modifies the method by which the chief information officer is designated. Recognizes the validity of electronic signatures used in CICJIS.

APPROVED by Governor March 25, 2005

EFFECTIVE March 25, 2005

H.B. 05-1109 Sentencing - juveniles convicted as adults - legislative study - fund created - repeal. Creates a legislative oversight committee ("committee") to study and develop legislative proposals related to charging juveniles as adults and the subsequent treatment of juveniles in the adult criminal justice system. Specifies the appointment of 8 legislative members to the committee by July 1, 2005. Requires the committee to report the results of the study to the judiciary committees of the senate and the house of representatives during the 2006 regular legislative session. Specifies that the committee and any legislation introduced by members of the committee are not subject to the legislative rules pertaining to interim committees. Specifies that the members of the committee shall serve without compensation, but may receive reimbursement for expenses to the extent moneys are available from gifts, grants, or donations.

Creates a 24-member task force on juveniles in the adult criminal justice system ("task force"). Specifies the appointment of the members by July 15, 2005. Specifies the duties of the task force, including reporting monthly to the committee and submitting to the committee a report of the results of the study on or before March 1, 2006. Specifies that members of the task force shall serve without compensation.

Specifies the issues that the committee and the task force will address pertaining to charging juveniles as adults and the subsequent treatment of juveniles in the adult criminal justice system. Authorizes the director of research of the legislative council to accept contributions, grants, services, and in-kind donations for the costs associated with the duties of the committee and the task force. Creates the juvenile offender sentencing study fund ("fund") for any moneys received. Authorizes the legislative staff and staff of represented executive agencies to provide assistance to the committee to the extent moneys are available in the fund for the costs of staff assistance. Prohibits the committee and the task force from

proceeding with the study unless at least \$18,964 is deposited in the fund as of July 1, 2005.

Repeals the act, effective July 1, 2006.

VETOED by Governor May 27, 2005

H.B. 05-1110 Methamphetamine precursor drugs - retail sale - limitations - violation - penalty - exemptions from liability - discretion of district attorney. Limits the retail sale of ephedrine, pseudoephedrine, and phenylpropanolamine ("methamphetamine precursor drugs") to a certain packaging type and number of packages. Makes it a class 2 misdemeanor for a person to knowingly violate the requirements concerning the retail sale of methamphetamine precursor drugs. Clarifies that certain persons connected with the ownership, operation, or management of a store that sells methamphetamine precursor drugs shall not be liable for violating the sales requirements if the person had no knowledge of the sale and did not direct or participate in the sale.

Clarifies that a district attorney retains discretion to prosecute a person for selling methamphetamine precursor drugs when the person also is charged with selling or distributing materials to manufacture controlled substances.

APPROVED by Governor May 27, 2005

EFFECTIVE July 1, 2005

H.B. 05-1143 Trafficking in persons - interagency task force. Creates an interagency task force on trafficking in persons ("task force"). Specifies the members of the task force. Identifies the tasks pertaining to trafficking in persons that the task force is required to complete. Requires state and local agencies to cooperate with the task force. Directs the task force to report its findings and recommendations to the house and senate judiciary committees by January 15, 2007.

APPROVED by Governor April 5, 2005

EFFECTIVE April 5, 2005

H.B. 05-1160 Unlawful recordings - distribution of an unlawfully recorded live performance. Changes the penalty for dealing in unlawfully packaged recorded articles from a class 3 misdemeanor to a class 1 misdemeanor and removes the requirement that the articles be copyrighted. Criminalizes recording a live performance without consent with the intent to sell the recording of the live performance, making it a class 1 misdemeanor. Gives performers in a live performance the rights to record the performance absent an agreement or law to the contrary. Criminalizes offering to sell, selling, or distributing an unlawfully recorded live performance, making it a class 1 misdemeanor.

APPROVED by Governor April 7, 2005

EFFECTIVE July 1, 2005

H.B. 05-1183 Alcohol consumption - furnishing alcohol to minor penalties and mitigation - minor in possession immunity and penalties - social host liability. Increases the penalty for furnishing alcohol to a person under 21 years of age from

a class 2 misdemeanor to a class 1 misdemeanor. Requires the court to consider the following in mitigation for the offense of furnishing alcohol to a person under 21 years of age: In the case that an underage person consumes alcohol and needs medical assistance as a result of that consumption, the defendant contacts police or emergency medical personnel within 6 hours after the underage person consumes the alcohol to report the underage person's need of medical assistance.

Provides immunity for up to three persons to a minor in possession charge if: An underage person calls 911 and reports that another underage person is in need of medical assistance due to alcohol consumption and he or she is the first to make the call; the person who called 911 provided his or her name and the name of the others acting in concert to the 911 operator; and the three persons remained on scene with the underage person that needed medical assistance and cooperated with medical assistance and law enforcement personnel on the scene.

Raises the fine for the offense of illegal possession or consumption of alcohol by an underage person in the following manner: First offense \$250 and second offense \$500. Requires the court to order a defendant for a second or subsequent conviction for underage possession of alcohol to complete an alcohol evaluation or attend an alcohol education program or an alcohol treatment program. Makes a third or subsequent conviction for underage possession of alcohol a class 2 misdemeanor.

Provides liability for a social host who provides a person under 21 years of age a place to consume alcohol if said person then causes damages. Removes the element of willfulness from the social host liability provision related to persons under 21 years of age.

APPROVED by Governor June 3, 2005

EFFECTIVE July 1, 2005

H.B. 05-1188 Abuse of a corpse crime - meaning of lawful authority - statutory authority to consent to moving a corpse. In the crime of abuse of a corpse, clarifies that a person must have statutory or court-ordered authority to disinter a corpse without consent. Changes the consent requirement from the close relatives or close friends to the person who has statutory authority to dispose of the corpse.

APPROVED by Governor April 7, 2005

EFFECTIVE July 1, 2005

H.B. 05-1202 Animal cruelty - reporting - civil immunity - false report - penalty. Grants immunity from civil liability to persons who in good faith report animal cruelty incidents to a local law enforcement agency or to the state bureau of animal protection. Specifies that immunity is not granted to a person who knowingly makes a false report of animal cruelty. Makes it a class 3 misdemeanor to knowingly make a false report of animal cruelty to a local law enforcement agency or to the state bureau of animal protection.

APPROVED by Governor April 22, 2005

EFFECTIVE July 1, 2005

H.B. 05-1206 Extradition proceedings - bail eligibility - withdrawal of waiver of extradition procedure. Prohibits a fugitive from being eligible for bail when the

fugitive has escaped from custody or confinement or sentence in the demanding state or has signed a waiver of extradition.

Prohibits a fugitive from withdrawing a waiver of extradition unless the fugitive can show good cause for the withdrawal. Requires the fugitive to provide the court, governor, and district attorney with the request to withdraw the waiver of extradition. Requires a fugitive who successfully withdraws a waiver of extradition to be held without bond for a specified term of at least 30 days and not longer than 90 days, or until delivered to an agent of the demanding state.

APPROVED by Governor May 27, 2005

EFFECTIVE May 27, 2005

H.B. 05-1306 Driver's license suspension - providing alcohol to a minor. Requires the division of motor vehicles ("division") in the department of revenue to suspend for a period of at least 6 months the driver's license of a person convicted of providing alcohol to an underage person or allowing an underage person to use an adult's identification to purchase alcohol. Permits the person to have a hearing on the suspension. Allows the division to issue a probationary license to permit the person to drive to work or school.

APPROVED by Governor May 27, 2005

EFFECTIVE July 1, 2005

H.B. 05-1308 Sex offender registration - not guilty by reason of insanity. Compels the court to include, as a condition of release or removal, a requirement that a defendant who received a verdict of not guilty by reason of insanity register as a sex offender if:

- The defendant was found not guilty by reason of insanity on a charge of an offense involving unlawful sexual behavior; or
- The defendant was found not guilty by reason of insanity on a charge of any other offense, the underlying factual basis of which includes an offense involving unlawful sexual behavior.

APPROVED by Governor June 2, 2005

EFFECTIVE June 2, 2005

H.B. 05-1338 Patronizing a prostitute - enhanced penalty. Makes a third or subsequent offense of patronizing a prostitute a class 1 misdemeanor.

APPROVED by Governor June 3, 2005

EFFECTIVE July 1, 2005

H.B. 05-1347 Identity theft - criminalize phishing. Makes it a class 1 misdemeanor to use a false identity to gain the personal identifying information of another individual over the internet, over the telephone, or by any other electronic medium.

APPROVED by Governor June 1, 2005

EFFECTIVE July 1, 2005

EDUCATION - PUBLIC SCHOOLS

S.B. 05-19 Educational data advisory committee - data reporting requirements - review. Directs the state board of education ("state board") to form the educational data advisory committee ("committee") consisting of representatives from 5 volunteer school districts, 2 volunteer boards of cooperative services, and a volunteer charter school. Directs the committee to work with the department of education to review school district data reporting requirements.

Directs the committee, at the request of a school district, a board of cooperative services, or the state charter school institute, or on its own initiative, to review the statutory and regulatory data reporting requirements to determine whether the benefits derived from the reports are outweighed by the administrative cost of the reports. Specifies the procedure for submitting a data reporting review request.

Allows the committee to recommend to the state board the repeal or amendment of statutory and regulatory data reporting requirements, and directs the state board to forward to the general assembly any recommendations for statutory changes. Requires the committee to review each data reporting request that is not required by statute or by rule and notify school districts, boards of cooperative services, and the state charter school institute whether compliance with the request is mandatory or voluntary.

APPROVED by Governor June 2, 2005

EFFECTIVE June 2, 2005

S.B. 05-32 Preschool program - preschool-age children with disabilities - enrollment count date. For budget years beginning on or after July 1, 2005, allows a school district to determine the enrollment of 3- and 4-year-old children with disabilities who are receiving education services and the enrollment of children in the Colorado preschool program on November 1, rather than October 1. For purposes of the pilot program for community consolidated child care services, prohibits the department of human services from waiving the date for determining preschool enrollment.

APPROVED by Governor June 2, 2005

EFFECTIVE June 2, 2005

S.B. 05-50 School districts - authority to decline federal funding. Permits a school district to decline federal funding and thereby be exempt from certain requirements of the federal "No Child Left Behind Act of 2001" ("federal act"). Specifies that declining funding under the federal act shall not affect a school district's accreditation status. Prohibits the department of education and the state board of education from imposing any sanctions on a school district that declines funding under the federal act.

APPROVED by Governor May 7, 2005

EFFECTIVE May 7, 2005

S.B. 05-81 School districts - nutritional policies. Encourages each school district board of education ("district board") to adopt a policy insuring a child's access to:

- Healthful food and beverages on the school premises;
- Nutritional information;
- Daily physical activity; and
- Instruction regarding proper nutrition and health.

Encourages each district board to adopt rules regarding competitive food availability and also to adopt a local wellness policy as provided for in the federal "Child Nutrition and WIC Reauthorization Act of 2004". Allows for the sale or distribution of any food or beverage item through periodic fundraisers if the item is for sale after school hours.

APPROVED by Governor April 14, 2005

EFFECTIVE August 8, 2005

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 05-88 Kindergarten - mandatory. Requires each school district to provide a kindergarten program for all children who are 5 years of age.

APPROVED by Governor March 25, 2005

EFFECTIVE March 25, 2005

S.B. 05-91 Accreditation indicators - statewide formulas - disaggregation - audits. For purposes of accreditation, requires the state board of education ("state board") to promulgate rules establishing statewide formulas for calculating:

- Continuing education rates;
- Dropout rates;
- Graduation rates;
- Mobility rates; and
- Promotion rates.

Specifies factors that the state board is to take into consideration in developing the formulas, and directs the state board to solicit input both before and after the development of the formulas.

Adds to the accreditation indicators continuing education rates and mobility rates. Includes students enrolled in international baccalaureate programs and taking higher education courses in the accreditation indicator pertaining to students taking advanced placement courses.

Requires school districts and the state charter school institute to report disaggregated data based on specific criteria. Permits the state board to audit accreditation data.

APPROVED by Governor June 6, 2005

EFFECTIVE June 6, 2005

S.B. 05-139 Supplemental on-line education courses - contract - report - appropriation. Directs the department of education ("department") to contract with an entity to provide supplemental on-line education courses for purchase by school

districts, charter schools, boards of cooperative services, and the state charter school institute. Specifies the criteria the department shall apply in selecting the contract entity. Specifies the minimum contents of the contract and the services the contract entity shall provide. Requires the contract entity annually to submit to the department and to the education committees of the senate and the house of representatives a report concerning the provision of supplemental on-line education courses. States that the general assembly, for the 2005-06, 2006-07, and 2007-08 budget years, shall annually appropriate at least \$500,000 from the state education fund for implementation of the act.

For the 2005-06 fiscal year, appropriates \$500,000 from the state education fund to the department for implementation of the act.

VETOED by Governor June 2, 2005

S.B. 05-156 Student asthma or severe allergies - self-administration of prescribed medication - approved treatment plan. Authorizes a student with asthma, severe allergies, or another related, life-threatening condition to possess and self-administer prescribed medications during school, while at school-sponsored activities, or while in transit to or from school or school-sponsored activities, if there is an approved treatment plan. Requires a public school to approve a treatment plan that meets specified conditions. If there is an approved treatment plan, eliminates a school's, school district's, volunteer's, or employee's civil liability except in cases of willful or wanton conduct or disregard of the criteria in the plan. Authorizes the state board of education to promulgate rules covering treatment plans. Authorizes the department of public health and environment to audit school records to determine asthma and severe allergic reaction rates within schools.

APPROVED by Governor April 14, 2005

EFFECTIVE April 14, 2005

S.B. 05-164 School districts - parental notification of high school student dropout status. Requires the board of education of each school district to adopt and implement policies to provide notification to the parent or parents with custody or decision-making responsibility with respect to education or the legal guardian or the legal custodian of a student who drops out of high school. Makes the written notification policy apply only to those students who are not subject to the compulsory education laws.

APPROVED by Governor April 27, 2005

EFFECTIVE April 27, 2005

S.B. 05-170 School districts - health - automated external defibrillators. Encourages each school district to acquire and maintain an automated external defibrillator ("AED") on school grounds. Requires a school district to accept the donation of a working, maintained AED and to accept a monetary or in-kind donation designated for the purpose of acquiring an AED or for inspection, maintenance, or training in the use of an AED. Requires a school district that obtains an AED to meet statutory training, maintenance, inspection, and physician involvement requirements. Limits the liability of a good-faith user or good-samaritan user of an AED kept in a public school.

Requires an entity that acquires an AED to provide training that meets national standards in cardiopulmonary resuscitation and AED use.

APPROVED by Governor April 26, 2005

EFFECTIVE August 8, 2005

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 05-191 Teacher loan forgiveness pilot program - high-poverty elementary schools in rural school districts. Allows a teacher who contracts to teach at least half-time in a high-poverty elementary public school, or in a facility school, in a rural school district to qualify for the teacher loan forgiveness pilot program ("program"). Extends the time by which a first-year or experienced teacher must contract to teach in a qualified position to participate in the program. Adds eligibility criteria for the program. Allows a teacher to continue participating in the program even if the school at which he or she teaches subsequently fails to meet the qualifying criteria as a high-poverty elementary school in a rural school district. Requires a participating teacher at a high-poverty elementary school in a rural school district who subsequently transfers to a non-qualifying school to forfeit the right to participate in the program. Directs the department of education to identify annually the elementary schools that qualify as high-poverty public schools in rural school districts.

Extends the repeal date of the program to July 1, 2013.

APPROVED by Governor May 24, 2005

EFFECTIVE August 8, 2005

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 05-200 School finance - at-risk funding - full-day kindergarten program - vocational education programs provided by BOCES - funding for civics education and teacher credentials - Colorado preschool program slots - rescissions in state aid for business incentive agreements - reporting federal financial assistance - appropriations - adjustments to long bill. Amends the "Public School Finance Act of 1994" in the following respects:

- For the 2005-06 budget year, increases the statewide base per pupil funding to \$4,717.62, which is an amount equal to \$4,666.29 supplemented by \$51.33 to account for a 0.1% inflation increase plus one percentage point.
- For the 2005-06 budget year and future budget years, adds to the definition of "at-risk pupils" district pupils whose dominant language is not English, increases the at-risk factor to 12%, and authorizes the use of state education fund moneys to fund the increases in at-risk funding.

Allows each school district boards of education (local board) to establish and maintain a full-day kindergarten educational program to serve students who attend a school that receives an "unsatisfactory" academic performance rating for the

previous school year. Authorizes the local board to contract with a public or private entity to provide the kindergarten educational program and requires any such entity to comply with all applicable state and federal laws.

For increasing enrollment school districts that are allowed an alternative limit on bonded indebtedness, eliminates the requirement that the exception only applies to bonded indebtedness approved at an election held before July 1, 2005.

For the 2006-07 budget year and budget years thereafter, eliminates the requirement that school districts receive the same level of funding from the state education fund that charter schools receive for capital construction.

Allows boards of cooperative services (BOCES) to receive state funds directly from the state board for community colleges and occupational education, rather than from participating school districts, to fund the cost of providing an approved vocational education program.

Requires the department of education to assist school districts in developing and promoting programs for elementary and secondary students that address the state model content standards for civics and promote best practices in civic education. Authorizes the use of state education fund moneys for such programs on the basis that they assist students in meeting state academic standards.

For the 2005-06 budget year and budget years thereafter, increases the number of Colorado preschool program slots from 11,050 to 12,360, and funds the increase from the state education fund. Allows an additional 500 children, for a total of 1,500 children, to be served through a full-day kindergarten component of a school district's preschool program.

For the 2005-06 budget year and budget years thereafter, specifies that, if the general assembly does not appropriate an amount sufficient to fully fund the additional state aid needed for locally negotiated business incentive agreements (BIAs), the state aid for only those districts that have entered into BIAs is to be reduced proportionately.

Requires the state board of education to submit a report to the education committees in the senate and house of representatives by July 1, 2005, and each July 1 thereafter detailing the total amount of federal funds received by the state board in the prior fiscal year.

For the 2005-06 fiscal year, appropriates:

- \$83,000 from the state education fund to the national credential fund to be used by the department of education to provide fee assistance to public school teachers seeking national credentials;
- \$200,000 from the state education fund to the department of education to be used to assist school districts in developing and promoting programs that address the state model content standards for civics and promote best practices in civic education.

Makes the following adjustments to the FY 2005-06 long bill:

- Increases the appropriation for assistance to public schools, public school finance, state share of districts' total program funding, by \$16,419,753 from the state education fund to cover the costs associated with the increase in at-risk funding, the creation of a full-day kindergarten program in unsatisfactory schools, and the increase in the number of Colorado preschool program slots.
- Decreases the general fund appropriation for assistance to public schools, public school finance, for additional state aid related to locally negotiated business incentive agreements by \$2,280,029.
- Increases the general fund appropriation for assistance to public schools, categorical programs, district programs required by statute, for special education - children with disabilities, by \$2,280,029.

APPROVED by Governor April 29, 2005

EFFECTIVE April 29, 2005

S.B. 05-214 Evaluations of accountability systems - SAR ratings - information on SARs - appropriation. Requires the department of education ("department") to contract for an independent evaluation of the 3 accountability systems, school accountability reports ("SARs"), accreditation, and the federal "No Child Left Behind Act of 2001", to be completed in 2006 and every 3 years thereafter. Specifies factors to be included in the evaluation.

Changes the names of the academic performance ratings to "excellent", "high achieving", "achieving", "priority", and "high priority". Directs the state board of education ("state board") to promulgate rules allowing for an appeal of an academic performance rating, based upon unusual testing circumstances.

Directs the department to convene a working group to evaluate the current rules pertaining to definitions, and reporting of incidents relating to school safety. Specifies membership of the working group. Directs the state board to convene a panel to make recommendations concerning the content, design, and layout of the SARs.

Beginning with the SARs issued for the 2005-06 school year, repeals the current statutory requirements, and directs the state board to approve the content, design, and layout of the SARs. Specifies information required to be in the SARs. Requires the department to print SARs for selected schools in Spanish.

Encourages the state board to establish accreditation indicators based in part on the diagnostic academic growth calculation and to expand the use of the diagnostic academic growth calculation.

Appropriates \$68,300 from the state education fund to the department for implementation of the act.

VETOED by Governor June 2, 2005

H.B. 05-1024 Dropout prevention activity grant program - creation - voluntary tax contribution - repeal. Creates the dropout prevention activity grant program ("program") to fund before- and after-school arts-based and vocational activity programs, with the goal of reducing the student dropout rate. Requires that, for income tax years commencing on and after January 1, 2005, but before January 1, 2008, a voluntary contributor designation line for the program shall appear on individual income tax forms. Repeals the requirement for the voluntary contribution designation line, effective January 1, 2009, unless the general assembly adopts a bill to continue the designation line in the preceding regular session.

Restricts the program to public schools that include any of grades 6 through 12 ("qualified school") and to community organizations acting in partnership with qualified schools ("qualified community organization"). Directs a qualified school that seeks funding for an arts-based or vocational activity program to apply to the board of education of the school district in which the qualified school is located ("district board") for permission to apply to the department for a grant. If the district board grants permission, directs the qualified school to submit a grant application to the department of education ("department") in accordance with rules adopted by the state board of education ("state board").

Directs a community organization that seeks funding for an arts-based or vocational activity program to enter into a partnership agreement with a qualified school to provide the program to students in any of grades 6 through 12. Makes the qualified school's participation subject to approval of the qualified school's district board. Directs the qualified community organization to submit a grant application to the department in accordance with rules adopted by the state board.

Directs the state board to promulgate rules for implementation of the program. Directs the department to review each grant application received and to make recommendations to the state board regarding the awarding of program grants. Establishes a priority and minimum considerations for awarding program grants. Requires the state board to award program grants in any year that moneys are received in the dropout prevention activity grant fund ("fund").

Requires the department annually to notify school districts of the amount of money credited to the fund and to post the notice on its web-site for qualified community organizations. Creates the fund, identifies the source of moneys for the fund as moneys received through the voluntary tax contribution and any gifts, grants, or donations received by the department for implementation of the program. Authorizes the department to accept gifts, grants, and donations, and allows the department to keep up to 2% of the moneys annually appropriated from the fund to offset the administrative costs incurred in implementing the program. Directs the general assembly annually to appropriate from the fund to the department of revenue an amount equal to the department of revenue's costs incurred in administering the voluntary contributions to the fund.

Requires each qualified school and qualified community organization that receives a program grant to report to the department, for each year in which it receives a grant, specified information concerning the arts-based or vocational activity program and the number of participating students. Directs the department to submit an annual report to the education committees of the general assembly and to the governor concerning the program, the arts-based and vocational activity

programs that receive funding, the number of students that participate in the programs, and the dropout rates for the qualified schools that receive grants.

APPROVED by Governor May 24, 2005

EFFECTIVE May 24, 2005

H.B. 05-1026 Educator licensure - endorsements - complaint procedure - renewal - authorizations - terminology changes - cash fund transfer - alternative teacher licensees. Rather than requiring an applicant for a license endorsement in special education to complete a program in special education, requires the applicant to complete the course work and assessments identified by rule of the state board of education ("state board"). Authorizes the state board to adopt rules to create a procedure for receiving complaints against persons applying for or holding educator licenses and certificates.

For purposes of professional development activities required for license renewal, authorizes the department to accept course work from any community, technical, or junior college, not just those in the statewide system. Requires a license holder to demonstrate that any educational travel he or she submits as a professional development activity is related to the license holder's endorsement area. Clarifies the professional development goal pertaining to use of assessments. Authorizes the state board to adopt rules requiring professional development activities to be related to the license holder's endorsement area knowledge or delivery skills in the license holder's endorsement area or in literacy.

With regard to a person who converts his or her professional educator license to inactive status because he or she is called into active military duty, instructs the department, when reactivating the license, to reactivate it for a period equal to the time remaining on the license when converted to inactive status plus the time the person spent in active military duty.

Makes a temporary teacher eligibility authorization valid for one year, and allows the department to renew the authorization twice. Expands the criteria for a temporary authorization to make it available to a person who is eligible to hold a certificate or license as an educator in another state. Changes the name of the temporary authorization to the interim authorization.

Changes the name of the provisional educator license to the initial educator license. Transfers \$14,879 from the nonpublic school fingerprint fund to the educator licensure cash fund. Encourages school districts to hire persons with alternative teacher licenses, and clarifies the school districts' authority to do so.

APPROVED by Governor April 7, 2005

EFFECTIVE April 7, 2005

H.B. 05-1036 Safe school plan - internet safety plan. Encourages each school district, as part of the safe school plan, to adopt an internet safety plan ("plan") consisting of comprehensive, age-appropriate topics to teach the safe and legal use of the internet. Suggests the minimum topics that may be included in the plan. Encourages school districts to incorporate the plan topics into the regular classroom curricula. Encourages each school district to use existing internet safety resources available from nonprofit organizations in adopting the topics for the plan and to

work with local law enforcement agencies and parents and teachers in adopting the topics for the plan.

Encourages each school district to implement the plan beginning with the 2005-06 school year and annually to review the plan and revise it as necessary. Suggests that each school district identify a person who is responsible for overseeing implementation of the plan. Encourages the identified person to submit an annual internet safety plan implementation report to the school district board of education. Suggests that the school district board of education submit to the department of education and post on the school district web site a summary of the annual internet safety plan implementation report.

APPROVED by Governor April 14, 2005

EFFECTIVE April 14, 2005

H.B. 05-1057 Postsecondary educational opportunities - notice to students and parents - reporting by college preparation programs operating within school districts and charter schools. Beginning in spring 2006, requires the Colorado commission on higher education ("commission") to provide notice to the parents or legal guardians of all eighth-grade students enrolled in public schools in the state regarding postsecondary education issues. Specifies the minimum contents of the notice.

Directs each school district board of education and the state charter school institute board to adopt a policy by October 1, 2005, to:

- Provide to the commission the names and mailing addresses of students enrolled in the eighth grade; and
- To include a provision in any contract entered into on or after August 10, 2005, with a college preparation program that the program shall provide to the commission a report on participation and outcomes for the program.

Further directs each school district state board of education to adopt a policy to provide to the parent or legal guardian of each student enrolled in the eighth grade a list of courses the school district has available that satisfy the commission's higher education admission guidelines.

APPROVED by Governor May 2, 2005

EFFECTIVE August 8, 2005

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 05-1087 International education programs - advisory council. Recognizes the importance of international education programs in the public elementary and secondary schools. Directs the state board of education ("state board") to appoint an international education advisory council ("advisory council") to explore and make recommendations to the state board, commissioner of education, and department of education ("department") concerning international education programs, opportunities, and activities. Specifies the membership of the advisory council. Requires review of the advisory council prior to repeal, effective July 1, 2015.

Authorizes the department to receive gifts, grants, and donations to implement the act. Creates the international education fund for any moneys received by the department.

VETOED by Governor June 2, 2005

H.B. 05-1088 Data related to inmates with children attending school - collection by department of corrections. Directs the department of corrections ("department") to obtain information from each inmate related to whether the inmate has a child in Colorado and, if so, whether the child is enrolled in school and the school district or state charter school in which the child is enrolled. Requires the department to collect and compile information related to programs that assist students whose parents are incarcerated.

APPROVED by Governor June 2, 2005

EFFECTIVE June 2, 2005

H.B. 05-1191 School districts - transportation fee - imposition. Allows a school district board of education ("board"), without voter approval, to impose a fee for the payment of excess transportation costs. Requires the board to solicit and consider recommendations concerning the imposition of the fee and the fee schedule from the school district accountability committee and from teachers, parents, and students, including any statewide or local organization representing parents, teachers, and students in the school district. Requires the board to ensure that only those pupils who use transportation services are required to pay the fee.

If a board chooses to impose a transportation fee on charter school students, requires the board to solicit input from the charter school parents and to ensure that the full amount of the transportation fee collected from charter school students is used to offset the costs of providing transportation to the charter school students. Allows a charter school to seek from its authorizing board authority to impose a transportation fee on the students enrolled in the charter school.

Became Law June 9, 2005

EFFECTIVE June 9, 2005

H.B. 05-1216 Low-performance schools - corrective action cycle. Repeals the corrective action cycle for public schools that are consistently in the lowest 10% of public schools in a school district receiving academic performance ratings ("rating") of "low" or that consistently receive ratings of "unsatisfactory". Repeals the provisions concerning creation of independent charter schools.

Directs the state board of education ("state board") annually to notify each school district board of education and the state charter school institute ("institute") as to which schools of the school district and which institute charter schools will receive a rating of "low" or "unsatisfactory" and the academic performance score received by each of such schools.

Directs the department of education ("department") to adopt a school performance review process ("review process") for a school that receives a rating of "unsatisfactory" ("unsatisfactory school"). At a minimum, requires the review

process to include creation of school support teams to review each unsatisfactory school and to make recommendations for an improvement plan with corrective actions. To the extent moneys are available, allows the department to expand the review process to include schools that receive a "low" rating. Requires the department to provide comprehensive training for persons hired to serve on the school support teams.

Allows each school district and the institute to establish its own review process, which review process is subject to the department's approval. Provides that, if a school district or the institute establishes its own review process, the school district or the institute is responsible for selecting the school support team for an unsatisfactory school. Requires the department, upon the request of a school district or the institute, to provide comprehensive training for persons hired by the school district or the institute to serve on school support teams.

Requires an unsatisfactory school to undergo a review by a school support team. On completion of the review, requires the school support team to prepare a comprehensive performance review report ("report"). Requires the unsatisfactory school to hold a public meeting to receive comment on the report. Following receipt of the report, requires the school district or the institute to adopt an improvement plan with corrective actions ("improvement plan") based on the report and to hold a public meeting to receive comment on the improvement plan. Specifies the corrective actions that may be included in the improvement plan.

One year after implementation of the improvement plan, requires a member of the school support team to review the unsatisfactory school's implementation of the improvement plan ("implementation review"). On completion of the implementation review, requires the school support team member to submit to the school district or the institute an implementation review report. Requires the school district or the institute to hold a public meeting to receive comment on the implementation review report.

Specifies the conditions under which the unsatisfactory school is required to restructure if it does not adequately improve following implementation of the improvement plan. If the unsatisfactory school improves adequately following implementation of the improvement plan, specifies the circumstances under which the school is no longer subject to the corrective action cycle.

For a school that receives a rating of "low" with an academic performance score of a -1.75 or lower for 2 consecutive years ("low school"), requires the school district or the institute to review the school's operations and implement an improvement plan for the low school. Requires the school district or the institute to hold a public meeting concerning the improvement plan prior to implementation. If a low school does not adequately improve following implementation of the improvement plan, specifies the circumstances under which the low school shall be subject to restructuring. If the school improves adequately following implementation of the improvement plan, specifies the circumstances under which the school is no longer subject to the corrective action cycle.

If a school is required to restructure, directs the school district or the institute to submit to the state board a plan for altering the governance structure of the school ("plan"). Within 60 days, requires the state board to either approve or disapprove

the plan, and to state specific reasons if it disapproves the plan. If the state board disapproves the plan, requires the school district or the institute to work with the state board to finalize the plan. Specifies the methods by which the school district or the institute may alter the school's governance structure.

Allows a school district or the institute to voluntarily restructure a school at least 60 days prior to a determination that the school is required to restructure. Allows the school district or institute to seek approval of a voluntary restructuring by submitting the restructuring plan ("voluntary plan") to the state board to determine whether it constitutes a major restructuring of the school. Permits the state board to determine that the voluntary plan constitutes a major restructuring of the school only if the voluntary plan meets the requirements specified for a mandatory restructuring. If the state board determines that the voluntary plan constitutes a major restructuring of the school, removes the school from the corrective action cycle. Specifies the procedure by which a school district may convert a school to a charter school as one of the methods of restructuring the school.

VETOED by Governor June 2, 2005

H.B. 05-1217 Assessments - sufficient academic growth - calculation - appropriation. For purposes of calculating sufficient academic growth, allows the department of education to select intermediate grade levels at which to project a student's rate of academic growth, with the goal of achieving proficiency in reading, writing, and mathematics by the conclusion of the tenth grade.

Repeals the requirement that the department of education annually contract for an audit of the school accountability reports. In the fiscal year 2005-06 general appropriations bill, within the appropriation to the department of education, management and administration, reduces by \$150,000 the appropriation for school accountability reports and the state data reporting system and increases by \$150,000 the appropriation for the longitudinal analyses of student assessment results.

APPROVED by Governor June 2, 2005

EFFECTIVE June 2, 2005

H.B. 05-1237 Physical education recognition program - rules - fund. Establishes the statewide physical education recognition program ("program") to recognize and reward public schools and physical education teachers that meet established criteria. Creates a board to establish objective criteria for a tiered rating, solicit and review applications, rate programs, and recommend annual awards. Requires the state board of education ("state board") to adopt rules governing applications. Subject to available donations, directs the state board to recommend to the Colorado association for health, physical education, recreation, and dance ("association") the program obtaining the highest ratings and the outstanding physical education teachers, one in an elementary school, one in a middle school, and one in a high school, that should receive monetary awards. Directs the association to make the annual awards recommended by the state board.

Establishes a fund to accept gifts, grants, and donations. If the fund does not receive at least \$50,000 by June 1, 2006, repeals the act effective July 1, 2006. At

the end of each fiscal year, transfers moneys from the fund to the association. If the act is not repealed earlier, repeals the act effective July 1, 2010.

VETOED by Governor June 3, 2005

H.B. 05-1238 School-readiness quality improvement program - appropriation. Changes the name of the "school-readiness child care subsidization program" to the "school-readiness quality improvement program" ("program"). Recognizes the early success of the program on a geographic pilot basis, and expands the program to include additional eligible communities. Clarifies that the program will be a continuing program.

Allows for the identification or establishment of early childhood care and education councils comprised of representatives from various public and private stakeholders in the local early childhood community who are committed to supporting the preparedness of young children for school. Specifies that a community may identify a community consolidated child care pilot site agency or other existing entity to serve as an early childhood care and education council or establish a new early childhood care and education council. Changes the program by having school-readiness quality improvement funding flow through the early childhood care and education councils to local early care and education providers, rather than through county departments of social services to such providers. Clarifies that the program is not intended to create an entitlement. Includes school districts in the definition of early care and education providers.

Expands the program to target the school readiness of young children who will ultimately attend eligible elementary schools that have received certain declining academic improvement ratings and that have, for that school year, received a specified overall academic performance rating.

Directs the early childhood care and education councils receiving school-readiness quality improvement funding through the program to report certain information to the department of human services. Directs the department of human services to report regularly to the education committees of the general assembly.

Expands the child care voluntary credentialing system, which was previously limited to the community consolidated child care services pilot site agencies, statewide to further enhance the school readiness of young children throughout the state of Colorado.

For the 2005-06 fiscal year, appropriates 0.5 FTE to the department of human services, division of child care, for the implementation of the program.

APPROVED by Governor June 2, 2005

EFFECTIVE June 2, 2005

H.B. 05-1246 Students with IEPs - calculating academic performance ratings for part-time students - study group - repeal. For a student with an individual educational program whose score is used to calculate academic performance ratings and who attends part-time a school or program located away from the school in which the student is enrolled, allows the school district in which the student is

enrolled or, in the case of a board of cooperative services, the administrative unit, to designate the school or program to which the student's scores will be assigned to calculate academic performance ratings.

Establishes a study group in the department of education to evaluate the use of assessments for students who have individual educational programs but who are not eligible to take the CSAP-A assessment. Specifies membership for the study group. Requires a report on or before December 31, 2005. Repeals the section effective January 1, 2006.

APPROVED by Governor May 10, 2005

EFFECTIVE May 10, 2005

H.B. 05-1255 Children with disabilities - selected special education options - excess-costs tuition - rules. Standardizes the provisions concerning payment of tuition for the excess costs incurred in educating a child with a disability ("excess-costs tuition") when a child with a disability enrolls in a school district other than the child's school district of residence, a charter school, or an on-line program ("selected special education option"). Prohibits a selected special education option from charging the district of residence excess-costs tuition if the child receives educational services from the selected special education option for less than a percentage of time specified by rule of the state board of education ("state board"). Requires the minimum percentage of time set by rule to be at least 60%. Directs the state board to adopt rules applicable to all selected special education options.

VETOED by Governor April 7, 2005

H.B. 05-1279 General fund appropriation - determination of applicability of required increase for public school funding. Specifies that the general assembly is to determine the applicability of the 5% increase requirement for general fund appropriations for total program funding under the "Public School Finance Act of 1994" in the next state fiscal year based on the personal income growth information or data that is available at the time it enacts the general appropriation bill for that state fiscal year. Specifies the circumstances under which the general assembly is either required or allowed to modify its initial determination and the general fund appropriation for total program funding at the time it considers supplemental appropriation bills for that state fiscal year based on actual or adjusted Colorado personal income growth data available at the time. Specifies that the determination and general fund appropriation made in a state fiscal year shall not be subject to modification in later state fiscal years based on adjusted Colorado personal income growth data issued after January 1 of the state fiscal year for which the determination and appropriation were made.

APPROVED by Governor June 3, 2005

EFFECTIVE June 3, 2005

H.B. 05-1311 Expelled and at-risk student services grant program - evaluation - reporting. Authorizes the department of education to retain up to 1% of any appropriation for the expelled and at-risk student services grant program

("program") to evaluate the program. Requires the department to report annually the evaluation findings to the education committees of the house of representatives and the senate beginning January 1, 2006.

APPROVED by Governor June 2, 2005

EFFECTIVE June 2, 2005

EDUCATION - UNIVERSITIES AND COLLEGES

S.B. 05-3 Colorado achievement scholarship program. Creates the Colorado achievement scholarship program ("program") for the purposes of promoting pre-collegiate curriculum and increasing access to postsecondary education. Directs collegeinvest to administer the program. Specifies who is eligible to receive a scholarship under the program. Creates the college achievement scholarship trust ("fund") for payment of the direct and indirect costs of implementing, marketing, and administering the program.

Requires the board of directors ("board") of collegeinvest to adopt any policies necessary for the implementation and administration of the program. Specifies that the policies adopted by the board shall be approved by the executive director of the Colorado commission on higher education. Directs the board to provide annual reports to the education committees of the senate and house of representatives on the status of the program.

Authorizes the board to organize and transfer funds to nonprofit entities for the purpose of investing the moneys in the fund and in any other trusts and funds under collegeinvest's control.

APPROVED by Governor April 7, 2005

EFFECTIVE July 1, 2005

S.B. 05-51 Private educational institutions - exemption from Private Occupational Education Act of 1981. Specifies that a private educational institution that is accredited by an agency recognized by the United States department of education, that confers post-graduate degrees, and that offers programs or courses that are not defined as occupational education is exempt from the provisions of the "Private Occupational Education Act of 1981".

APPROVED by Governor April 14, 2005

EFFECTIVE August 8, 2005

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 05-53 Colorado national guard - tuition assistance program. Repeals the requirement that a Colorado national guard member ("member") serve one year in the Colorado national guard ("national guard") for each semester for which the national guard tuition assistance program ("program") pays tuition. Requires the department of military and veterans affairs ("department") to establish the basis for the tuition assistance at the university of Colorado health sciences center.

Specifies that a member must serve in the national guard during the period of time that the member is receiving tuition assistance. Requires a member who leaves the national guard in violation of the member's agreement with the national guard during an academic term for which the member is receiving tuition assistance to repay to the department the amount of tuition assistance granted for that academic term. Clarifies that the department shall promulgate military regulations, and not

rules under the administrative procedures act, for the administration of the program.

APPROVED by Governor June 2, 2005

EFFECTIVE July 1, 2005

S.B. 05-66 Colorado energy research institute - research and education programs - appropriation. Directs the Colorado energy research institute to:

- Consult with the department of natural resources about its progress in meeting its statutory goals; and
- Conduct the following specific research and educational programs to be paid for from the unencumbered balance available in the oil and gas environmental response fund:
 - Collect data on the economic impact of energy industries on municipalities and counties; establish an energy economics database and the establishment of internet access to such database; develop reliable means of forecasting; and support the analysis, interpretation, and periodic publication of the findings of the economic analysis;
 - Research those sectors of geoscience and engineering that are most critical to renewable energy and the continued enhanced production of natural gas and oil from Rocky Mountain reservoirs;
 - Inform the public, legislative and regulatory bodies, and working professionals about new technologies and their relationship to traditional sources of energy to promote the public's understanding of how its everyday energy needs are met;
 - Facilitate economic development by steering resources to local economic incubators in regions where energy development is occurring and by providing grants for job training and education resources;
 - Pay the membership dues of the energy council; and
 - Provide grants for the development of a central resource for building trade professionals to advance energy-efficient design and construction.

Increases the limit on the 2-year average of the unobligated portion of the oil and gas environmental response fund to \$2 million.

Appropriates from the oil and gas environmental response fund \$1,675,000 to the department of higher education, \$75,000 to the governor's office for allocation to the office of energy management and conservation, and \$56,000 to the legislative department for the implementation of the act.

APPROVED by Governor May 25, 2005

EFFECTIVE July 1, 2005

S.B. 05-132 College opportunity fund program - stipend payments - capital construction - community colleges - administrative costs - travel policies - appropriation. Specifies that a student who is eligible to receive a stipend ("student") may receive a stipend for graduate-level courses that apply toward the

student's undergraduate degree. Requires the Colorado student loan program to reduce the amount of the stipend per credit hour for all students, subject to joint budget committee approval, if moneys in the college opportunity fund in any fiscal year are not sufficient to pay the rate per credit hour established by the general assembly.

Effective July 1, 2006, allows an eligible student to receive a stipend payment for basic skills courses, courses taken under the "Postsecondary Enrollment Options Act", and high school fast-tracks courses. Correspondingly repeals the ability of a governing board to receive fee-for-service contract payments for these courses. Specifies that stipend payments received for basic skills courses shall not apply to the student's 145 lifetime-credit-hour limitation. Requires an institution of higher education, upon request, to use its waiver authority to waive the 145 lifetime-credit-hour limitation for courses taken under the "Postsecondary Enrollment Options Act" and high school fast tracks courses. Allows the Colorado student loan program to charge a one-time fee to the state board of community colleges and occupational education for the actual cost related to the computer system changes necessary to allow stipend payments for these courses.

Authorizes the Colorado student loan program to authorize an advance from the college opportunity fund to a governing board and, upon such authorization, requires the state treasurer to make the advance without interest to the governing board to assist the governing board in managing its cash flow. Requires an advance to be repaid within the same state fiscal year in which the advance is made.

Authorizes a governing board to approve and commence, without prior approval of the Colorado commission on higher education (CCHE), capital construction projects that are constructed, operated, and maintained without state capital construction or general fund moneys if the capital construction project costs less than \$1,000,000. Authorizes a governing board to approve and commence, without prior approval of the CCHE, capital construction projects that are not constructed with state moneys but may be operated and maintained with state moneys if the project costs less than \$500,000.

For the 2004-05 fiscal year, changes the required reduction in state-funded administrative costs for the community college's system office from 35 to 20 percent.

Specifies that any rules adopted by the state controller or the department of personnel and administration that impose restrictions or requirements pertaining to the use of travel services or travel agencies shall not apply to a governing board or state institution of higher education.

Specifies that, on and after July 1, 2005, if the department of higher education and the CCHE advertise and publicize a specific stipend dollar amount, the dollar amount may not exceed the amount most recently set by the joint budget committee or adopted by the general assembly and the advertisement or publication materials shall note that the stipend amount is subject to change by the general assembly.

Appropriates \$8,553 for the administration of the act and reduces the administration appropriation to the CCHE by the same amount and 0.3 FTE.

APPROVED by Governor June 2, 2005 **PORTIONS EFFECTIVE** June 2, 2005

PORTIONS EFFECTIVE July 1, 2006

S.B. 05-158 In-state tuition - military discharge - appropriation. Specifies that a member of the armed forces is eligible for in-state tuition status if the member is domiciled in Colorado for 12 continuous months prior to enlistment and returns to Colorado within 6 months following discharge from the military.

Reduces the appropriation for fee-for-service contracts by \$60,000, and increases the appropriation for stipend payments for students by the same amount. Reduces the tuition spending authority of the governing boards by \$188,708 based on an anticipated reduction in tuition revenue.

APPROVED by Governor May 27, 2005

EFFECTIVE May 27, 2005

S.B. 05-194 Fort Lewis college - change in admission standards. Changes the admission standards for Fort Lewis college from "moderately selective" to "selective".

APPROVED by Governor May 12, 2005

EFFECTIVE May 12, 2005

S.B. 05-204 Colorado state university system - board of governors. Requires that, of the 9 voting members of the board of governors of the Colorado state university system ("CSU board"), at least one member either reside in southern Colorado or be a graduate of Colorado state university - Pueblo, and at least 2 members have some connection with agriculture, one of whom either resides in southern Colorado or is a graduate of Colorado state university - Pueblo.

VETOED by Governor June 2, 2005

S.B. 05-213 Commission on higher education - reporting requirements to the general assembly. Repeals the requirement that the Colorado commission on higher education submit periodic reports to the education committees of the senate and the house of representatives concerning the effectiveness of the review of teacher preparation programs, the early childhood professional loan repayment program, and the teacher loan forgiveness pilot program and requires that the commission provide notice that such reports are available to the committee members upon request.

APPROVED by Governor June 1, 2005

EFFECTIVE June 1, 2005

H.B. 05-1027 Colorado commission on higher education - higher education admission guidelines - college preparatory courses - notice. Directs the Colorado commission on higher education ("commission") to adopt a policy to obtain the names and addresses of students enrolled in Colorado public high schools who took the standardized college entrance exam or the precollegiate exam. Further directs the commission to send annual notice to the parent or legal guardian of each of those students concerning the scores required by the higher education admission guidelines ("guidelines"), the availability of precollegiate skills courses, and the

availability of a course work plan to address the guidelines. Requires each school district board of education and the state charter school institute board to provide, upon request of a student's parent or legal guardian, the opportunity for a student to develop a plan for academic remediation.

APPROVED by Governor May 24, 2005

EFFECTIVE May 24, 2005

H.B. 05-1041 Higher education foundations - open records - exclusions - annual report. Specifies that, for purposes of the open records act, "public records" includes all writings relating to the requests for disbursement or expenditure of funds, the approval or denial of requests for disbursement or expenditure of funds, or the disbursement or expenditure of funds by an institutionally related foundation, an institutionally related health care foundation, or an institutionally related real estate foundation, to, on behalf of, or for the benefit of the institution or any employee of the institution. Defines institutionally related foundation, institutionally related health care foundation, and institutionally related real estate foundation for purposes of the open records act. Specifies the documents and records that are not considered public records for these 3 entities for purposes of the open records act.

Requires each state institution of higher education annually to submit to the governor and general assembly a complete listing, in accordance with generally accepted accounting principles, of all endowments, gifts, and bequests made to, or expenditure in excess of \$250 made on behalf of, a state institution of higher education during the immediately preceding state fiscal year.

APPROVED by Governor May 24, 2005

EFFECTIVE May 24, 2005

ELECTIONS

S.B. 05-31 False or reckless statements relating to candidates or questions submitted to electors - penalties - definitions. Expands the existing election offense governing false statements, which currently proscribes certain conduct performed knowingly, to prohibit any person from recklessly making, publishing, broadcasting, or circulating or causing to make, publish, broadcast, or circulate in any form of communication any false statement designed to affect the vote on any issue submitted to the electors at any election or relating to any candidate for election to public office. Specifies that, for purposes of the act, a person acts recklessly when he or she acts in conscious disregard of the truth or falsity of the statement made, published, broadcasted, or circulated.

Expands the existing election offense proscribing the knowing circulation of false statements in any writing to include any form of communication. Expands the existing election offense to include knowingly broadcasting or causing to be broadcast false statements among the means of disseminating information that must be shown to prove the commission of a violation under the offense.

Increases the existing penalty for committing knowing violations of the offense from a class 2 to a class 1 misdemeanor.

Specifies that any person who recklessly disseminates a false statement in violation of the act commits a class 2 misdemeanor.

APPROVED by Governor June 6, 2005

EFFECTIVE September 1, 2005

S.B. 05-94 Initiative and referendum - ballot information booklet - public meeting - modification of draft by legislative council or by director of legislative council staff. Requires the director of research of the legislative council of the general assembly to hold a public meeting after receiving written comments from the public on an initiated or referred measure but before finalizing the draft of the ballot information booklet for the measure. Authorizes the director to modify the draft of the booklet in response to comments made at the meeting. States that the legislative council may modify the draft of the booklet by 2/3 vote.

APPROVED by Governor June 6, 2005

EFFECTIVE June 6, 2005

S.B. 05-198 Training and certification of election officials - voting by inmates - voter registration drives - voter-verified paper record - testing of voting systems - escrow of election software - random audit - provisional ballots - challenges - election calendar - miscellaneous provisions - appropriation. In connection with the conduct of elections:

Training and certification of election officials

Directs the secretary of state to establish a certification program for local election officials.

Requires the following persons to obtain certification:

- County clerk and recorders;

- Employees in the office of a county clerk and recorder who are directly responsible for overseeing elections; and
- Other employees in the office of a county clerk and recorder at the discretion of the county clerk and recorder.

States that persons required to obtain certification shall begin and complete the certification process within one year of undertaking the responsibilities for which the person is required to obtain certification and shall comply with continuing education requirements prescribed by the secretary of state.

States that the certification and training requirements shall not be construed to require an elected official to attend a course of instruction or obtain certification as a condition for seeking or holding elective office or carrying out constitutional and statutory duties.

Requires the curriculum for certification to include courses in general election law, the federal "Help America Vote Act of 2002", and professional development. Directs the secretary of state to offer certification courses at least annually.

Voter registration drives

Defines a voter registration drive as the distribution and collection of voter registration applications by two or more persons for delivery to a county clerk and recorder.

Requires a voter registration drive organizer to:

- File a statement of intent to conduct a voter registration drive with the secretary of state and designate an agent who is a resident of the state before commencing a voter registration drive;
- Fulfill the training requirements established by the secretary of state;
- Use the form of voter registration application approved by the secretary of state; and
- Deliver or mail a voter registration application collected from a voter to the proper county clerk and recorder within 5 business days; except that an application shall be delivered or mailed no later than the deadline for voter registration.

Requires a circulator working on a voter registration drive to deliver a voter registration application collected from a voter to the voter registration drive organizer.

Prohibits a voter registration drive organizer from compensating a circulator working on the voter registration drive based on the number of voter registration applications the circulator distributes or collects.

States that a voter registration drive organizer who violates the requirements that apply to voter registration drives, including by negligently failing to deliver a voter registration application to the proper county clerk and recorder in the prescribed manner and time, is guilty of a misdemeanor. Establishes an additional fine not to exceed \$500 per business day for negligent failure to deliver a voter registration application to the proper county clerk and recorder within the required time.

Voter-verified paper record

Prohibits a political subdivision from acquiring a voting system unless the voting system is capable of producing a voter-verified paper record of each vote.

Prohibits a political subdivision from acquiring a voting device that has been retrofitted to comply with the voter-verified paper record requirements unless the voting device has been certified by an independent testing authority and the secretary of state.

Requires the voting system used in each primary, general, coordinated, or congressional district vacancy election held on and after January 1, 2010, to have the capability to produce a voter-verifiable paper record of each vote. Before a vote is cast, gives the voter the opportunity, in private and without assistance, to inspect and verify that the voter-verified paper record correctly reflects the voter's choices.

Makes the voter-verified paper record requirements applicable to each primary, general, coordinated, or congressional district vacancy election conducted by a county clerk and recorder on and after January 1, 2008, if the governing body of the county determines that:

- The technology necessary to comply with such requirements is available; and
- Sufficient federal or state funds are available to acquire or retrofit voting devices that comply with such requirements; or
- It is otherwise financially feasible for the county to comply with such requirements.

Specifies that, upon satisfaction by a county of the voter-verified paper record requirements, the voter-verified paper record of each vote, whether filled out by hand or produced by a voting machine or ballot marking device, is to be preserved as an election record and constitutes an official record of the election.

Prohibits any voting device from being remotely accessed or remotely accessible until after the close of voting and a results total tape has been printed, as applicable.

Testing of voting equipment

Requires a designated election official to conduct tests of an electronic or electromechanical voting system before an election, including a test open to the public. Requires notice of the public test to be posted at least 7 days before the test. Directs the designated election official to select a testing board, comprising at least one member from each major political party, to oversee the tests.

Escrow of election software

Requires a designated election official to deposit a copy of election setup records with the secretary of state at least 7 days before an election. Defines election setup records as the electronic records generated by election tabulation software during election setup to define ballots, tabulation instructions, and other functions. Exempts election setup records from disclosure under the public records law.

Requires a voting system provider to:

- Place a copy of election software and supporting documentation in escrow with the secretary of state or an independent escrow agent when submitting an electronic or electromechanical voting system for certification;
- Notify the secretary of state of the installation or modification of hardware, firmware, or software in a voting system for a political subdivision in the state;
- Place in escrow a copy of the state certified election software installed in each political subdivision; and
- Notify the secretary of state and the designated election official of any political subdivision using its voting system of any defect in the system known to occur anywhere.

Requires the designated election official to maintain separate, detailed records for each component of a voting system used in an election.

Random audit

Requires the secretary of state, following each primary, general, coordinated, or congressional district vacancy election, to publicly initiate a manual random audit to be conducted by each county and to randomly select not less than one percent of the voting devices used in each county. Where a central count voting device is in use in the county, specifies that the rules promulgated by the secretary shall require an audit of a specified percentage of ballots counted within the county.

For an election taking place in a county prior to the date the county has satisfied the voter-verified paper record requirements, specifies that the audit shall be for the purpose of comparing the manual tallies of the ballots counted by each voting device selected for each such audit with the corresponding tallies recorded directly by each such device.

For an election taking place in a county on or after the date the county has satisfied the voter-verified paper record requirements, specifies that the audit shall be conducted for the purpose of comparing the manual tallies of the voter-verified paper records produced or employed by each voting device selected for such audit with the corresponding ballot tallies recorded directly by each such device.

Specifies that, to the extent practicable, no voting device that is used for the random audit shall be used for conducting the testing of voting devices for recount purposes.

Upon completion of the audit, if there is any discrepancy between the applicable manual tallies of the voting device selected for the audit and the corresponding tallies recorded by such devices that is not able to be accounted for by voter error, requires the county clerk and recorder, in consultation with the canvass board of the county, to investigate the discrepancy and take such remedial action as necessary in accordance with its powers.

Requires the canvass board along with the county clerk and recorder to investigate any written complaint from a registered elector from within the county containing credible evidence concerning a problem with a voting device and take such remedial action as necessary in accordance with its powers.

Requires the county clerk and recorder to promptly report to the secretary of state the results of any completed audit or investigation.

Requires the secretary of state to post the results of any completed audit or investigation on the official website of the department of state not later than 24 hours after receiving the results of the completed audit or investigation. Authorizes the clerk and recorder of the affected county to timely post the results of the completed audit or investigation on the official website of the county. Requires the secretary to publish once in a newspaper of general circulation throughout the state notification to the public that the results have been posted on the department's website. Requires any audit conducted in accordance with the requirements of the act to be observed by at least 2 members of the canvass board of the county.

Requires the secretary of state to promulgate such rules as may be necessary to administer and enforce any of the audit requirements, including any rules necessary to provide guidance to the counties in conducting such audit. Specifies certain items for which the rules are to account.

Provisional ballots

Allows a voter claiming to be properly registered to vote but whose qualification to vote cannot be immediately established to cast a provisional ballot. States that no voter shall be denied the right to cast a provisional ballot. Allows a voter who does not show identification to cast a provisional ballot. Allows a voter who requests an absentee ballot but does not cast it to cast a provisional ballot if the voter affirms that he or she has not and will not cast the absentee ballot; but provides that the provisional ballot shall be counted only if the designated election official verifies that the absentee ballot was not cast and that the voter is eligible to vote.

Requires that provisional ballots contain:

- Text identifying them as provisional ballots;
- Instructions on the voting and handling of provisional ballots;
- An affidavit including an attestation, a notice of perjury, a warning of the penalty for falsifying the affidavit, and information sufficient to verify the voter's eligibility to vote and to register the voter.

States that the provisional ballot affidavit shall constitute a voter registration application for the voter for future elections and that any previous voter registration for the voter shall be cancelled, except for a voter who cast a provisional ballot because the voter did not show identification at the polling place or because the voter requested but did not cast an absentee ballot.

Requires a voter casting a provisional ballot to complete and sign the affidavit, mark the ballot, and seal the ballot in an envelope. States that if the election judge notices that the voter did not sign the affidavit, the election judge shall notify the voter that the ballot will not be counted if the affidavit is not signed. Requires the election official to give a written notice to a voter specifying how the voter can find out whether the provisional ballot was counted.

Directs the designated election official to attempt to verify that a voter who cast a provisional ballot is eligible to vote using procedures and databases prescribed by the secretary of state.

States that if a voter signs but does not provide all the information requested on the provisional ballot affidavit, the ballot shall be counted only if the designated election official is able to determine that the voter was registered to vote in the precinct and county. States that if a voter does not sign the provisional ballot affidavit, the designated election official shall send a letter to the voter informing the voter that the ballot will not be counted unless the affidavit is signed and giving the voter 8 days to come to the office of the county clerk and recorder to sign the affidavit. States that the provisional ballot shall not be counted if the voter fails to sign the affidavit after receiving this notice.

Directs the designated election official to appoint a board to count verified provisional ballots. Requires the designated election official to complete the verification and counting of all provisional ballots within 10 days after a primary election and within 14 days after a general, odd-year, or coordinated election.

States that a provisional ballot shall be counted if the designated election official verifies that the voter who cast the ballot in accordance with the law is eligible to vote.

Establishes the following rules for persons who move before the close of voter registration but fail to register at their new residence:

- If a person moves from another state to Colorado, the person may cast a provisional ballot, which shall not be counted but shall serve as the person's voter registration application for future elections.
- If a voter moves from one county in Colorado to another, the voter may complete an emergency registration form at the office of the county clerk and recorder or may cast a provisional ballot, which shall be counted if the voter's eligibility is verified and which shall serve as the voter's voter registration application for future elections.
- If a voter moves from one precinct in a county to another, the voter may complete a change of address form at the office of the county clerk and recorder or may cast a provisional ballot, which shall be counted if the voter's eligibility is verified.

Establishes the following rules for persons who move after the close of voter registration but fail to register at their new residence:

- If a person moves from another state to Colorado, the person may cast a provisional ballot, which shall not be counted but shall serve as the person's voter registration application for future elections.
- If a voter moves from one county in Colorado to another and does not vote in the county where registered, the voter may cast a provisional ballot in the new county of residence. The voter's votes for federal and statewide offices and statewide ballot issues and ballot questions shall be counted, and the provisional ballot affidavit shall serve as the voter's voter registration application for future elections.
- If a voter moves from one precinct in a county to another and does not vote in the precinct where registered, the voter may cast a provisional ballot in the new precinct of residence. The voter's votes for federal and statewide offices and statewide ballot issues and ballot questions shall be counted, and the provisional ballot affidavit shall serve as the

voter's voter registration application for future elections.

States that if a voter casts a provisional ballot at a polling place in a precinct other than the precinct in which the voter is registered, the voter's votes for federal and statewide offices and statewide ballot issues and ballot questions shall be counted.

Allows a voter who cast a provisional ballot to find out whether the ballot was counted and, if it was not counted, the reason for the rejection. States that this information shall be disclosed only to the voter.

Challenge of right to vote

States that if a person whose right to vote is challenged refuses to answer the required questions about the person's eligibility to vote or to take an oath that the person is eligible to vote, the person shall be offered a provisional ballot.

States that a challenge at a polling place shall be made in the presence of the person whose right to vote is challenged.

Requires a challenge of a person's right to vote to state the specific factual basis for the challenge.

Directs the county clerk and recorder or designated election official to deliver a challenge that is not withdrawn to the district attorney for investigation and action. Requires the district attorney to complete the investigation within 10 days if practicable. Requires the county clerk and recorder or designated election official to notify and send a copy of the challenge to a person who voted by absentee ballot, mail ballot, or provisional ballot and who was not present at the time of the challenge.

Election calendar

Changes the date of the precinct caucuses from the 2nd Tuesday in April to the 3rd Tuesday in March in each even-numbered year.

Changes the times allowed for:

- Holding party assemblies;
- Circulating candidate petitions;
- Filling vacancies in party nominations and designations;
- Filing affidavits to run as a write-in candidate;
- Certification of ballots by the secretary of state;
- Training of election judges;
- Verifying signatures on mail and absentee ballots;
- Agreements for coordinated elections;
- Applying for an absentee ballot;
- Reporting and certifying election results; and
- Requesting and completing recounts.

Miscellaneous provisions

Prohibits the secretary of state from serving as the highest ranking official, whether actual or honorary, in the campaign of any candidate for federal or statewide office, except when the secretary of state is the candidate.

Requires the secretary of state to seek the full amount of funds available to the state under the federal "Help America Vote Act of 2002" for distribution to counties.

Limits the prohibition on registration and voting by inmates to persons serving a sentence of detention or confinement for a felony conviction.

Allows a person who is unable to write to have his or her mark on a change of residence form attested to by any other person, eliminating the requirement for attestation by a notary public.

Allows emergency voter registration at any office or location authorized by the county clerk and recorder and staffed by personnel authorized by the county clerk and recorder. Allows a voter to register by emergency registration if the voter applied to register to vote at a voter registration drive and is able to show the receipt from the voter registration application.

Increases from 2 to 10 business days the time a county clerk and recorder has to review a voter registration application and notify the applicant of the disposition of the application. Increases from 10 days to 20 business days the time after which an application shall be rejected if the clerk's notice to the applicant is returned as undeliverable. Increases from 10 days to 20 business days the time after which an applicant shall be registered if the clerk's notice to the applicant is not returned as undeliverable.

Prohibits a county clerk and recorder from issuing a provisional ballot to substitute for a certificate of reinstatement of voter registration to a person who is entitled to receive a certificate of reinstatement.

States that when a voter receives a replacement absentee ballot, the first ballot returned by the voter shall be considered the voter's official ballot.

Allows a voter to request an emergency absentee ballot if a member of the voter's immediate family, related by blood or marriage to the second degree, is confined in a hospital or place of residence on election day. States that if a voter who is entitled to an emergency absentee ballot is unable to have an authorized representative pick up the ballot and deliver it to the voter, the designated election official shall deliver the ballot to the voter by electronic transfer. States that if, following the procedure for requesting an emergency absentee ballot, the designated election official is unable to provide that ballot to a voter, the designated election official shall seek authority from the secretary of state to provide a ballot to the voter by electronic transfer.

Allows a citizen who is traveling outside the United States, as well as a citizen who resides overseas, who qualifies for a special write-in blank absentee ballot to apply for such a ballot regardless of whether the person has previously applied for an absentee ballot for the election. Changes the date on which the designated election official shall begin processing applications for special write-in blank absentee ballots from the 60th to the 57th day before the election.

Eliminates the provision stating that if it appears to the election judges by sufficient proof that an absentee voter has died after forwarding an absentee ballot,

the ballot shall not be counted. States that if it appears to the election judges by sufficient proof that an absentee ballot sent to an elector who died after requesting the ballot contains a forged affidavit, the ballot shall not be counted and the ballot shall be forwarded to the district attorney for investigation.

Requires the designated election official, within 60 days after a statewide election, to prepare and make public a statement of the total number of votes cast in the election for each candidate and for and against each ballot issue and ballot question. Requires the results of early voting to be given by precinct in counties that use only direct record electronic voting machines for early voting. Requires counties using vote centers to give election results by precinct, excluding votes cast by early voting or absentee ballot, after January 1, 2006.

Allows a political subdivision that referred a ballot issue or ballot question to the voters to waive an automatic recount that would otherwise be required.

States that a person who collects a voter registration application from another person for mailing or delivery to a county clerk and recorder and who fails to mail or deliver the application to the proper county clerk and recorder within 5 business days is guilty of a misdemeanor.

Appropriates \$25,008 from the department of state cash fund to the department of state for the implementation of the act.

APPROVED by Governor June 6, 2005

EFFECTIVE June 6, 2005

S.B. 05-206 Training and certification of election officials - voting by inmates - voter registration drives - voter-verified paper record - testing of voting systems - escrow of election software - random audit - provisional ballots - challenges - election calendar - miscellaneous provisions - appropriation. In connection with the conduct of elections:

Training and certification of election officials

Directs the secretary of state to establish a certification program for local election officials.

Requires the following persons to obtain certification:

- County clerk and recorders;
- Employees in the office of a county clerk and recorder who are directly responsible for overseeing elections; and
- Other employees in the office of a county clerk and recorder at the discretion of the county clerk and recorder.

States that persons required to obtain certification shall begin and complete the certification process within one year of undertaking the responsibilities for which the person is required to obtain certification and shall comply with continuing education requirements prescribed by the secretary of state.

States that the certification and training requirements shall not be construed to require an elected official to attend a course of instruction or obtain certification as a condition for seeking or holding elective office or carrying out constitutional

and statutory duties.

Requires the curriculum for certification to include courses in general election law, the federal "Help America Vote Act of 2002", and professional development. Directs the secretary of state to offer certification courses at least annually.

Voter registration drives

Defines a voter registration drive as the distribution and collection of voter registration applications by two or more persons for delivery to a county clerk and recorder.

Requires a voter registration drive organizer to:

- File a statement of intent to conduct a voter registration drive with the secretary of state and designate an agent who is a resident of the state before commencing a voter registration drive;
- Fulfill the training requirements established by the secretary of state;
- Use the form of voter registration application approved by the secretary of state; and
- Deliver or mail a voter registration application collected from a voter to the proper county clerk and recorder within 5 business days; except that an application shall be delivered or mailed no later than the deadline for voter registration.

Requires a circulator working on a voter registration drive to deliver a voter registration application collected from a voter to the voter registration drive organizer.

Prohibits a voter registration drive organizer from compensating a circulator working on the voter registration drive based on the number of voter registration applications the circulator distributes or collects.

States that a voter registration drive organizer who violates the requirements that apply to voter registration drives, including by negligently failing to deliver a voter registration application to the proper county clerk and recorder in the prescribed manner and time, is guilty of a misdemeanor. Establishes an additional fine not to exceed \$500 per business day for negligent failure to deliver a voter registration application to the proper county clerk and recorder within the required time.

Voter-verified paper record

Prohibits a political subdivision from acquiring a voting system unless the voting system is capable of producing a voter-verified paper record of each vote.

Prohibits a political subdivision from acquiring a voting device that has been retrofitted to comply with the voter-verified paper record requirements unless the voting device has been certified by an independent testing authority and the secretary of state.

Requires the voting system used in each primary, general, coordinated, or congressional district vacancy election held on and after January 1, 2010, to have the capability to produce a voter-verifiable paper record of each vote. Before a vote is

cast, gives the voter the opportunity, in private and without assistance, to inspect and verify that the voter-verified paper record correctly reflects the voter's choices.

Makes the voter-verified paper record requirements applicable to each primary, general, coordinated, or congressional district vacancy election conducted by a county clerk and recorder on and after January 1, 2008, if the governing body of the county determines that:

- The technology necessary to comply with such requirements is available; and
- Sufficient federal or state funds are available to acquire or retrofit voting devices that comply with such requirements; or
- It is otherwise financially feasible for the county to comply with such requirements.

Specifies that, upon satisfaction by a county of the voter-verified paper record requirements, the voter-verified paper record of each vote, whether filled out by hand or produced by a voting machine or ballot marking device, is to be preserved as an election record and constitutes an official record of the election.

Prohibits any voting device from being remotely accessed or remotely accessible until after the close of voting and a results total tape has been printed, as applicable.

Testing of voting equipment

Requires a designated election official to conduct tests of an electronic or electromechanical voting system before an election, including a test open to the public. Requires notice of the public test to be posted at least 7 days before the test. Directs the designated election official to select a testing board, comprising at least one member from each major political party, to oversee the tests.

Escrow of election software

Requires a designated election official to deposit a copy of election setup records with the secretary of state at least 7 days before an election. Defines election setup records as the electronic records generated by election tabulation software during election setup to define ballots, tabulation instructions, and other functions. Exempts election setup records from disclosure under the public records law.

Requires a voting system provider to:

- Place a copy of election software and supporting documentation in escrow with the secretary of state or an independent escrow agent when submitting an electronic or electromechanical voting system for certification;
- Notify the secretary of state of the installation or modification of hardware, firmware, or software in a voting system for a political subdivision in the state;
- Place in escrow a copy of the state certified election software installed in each political subdivision; and
- Notify the secretary of state and the designated election official of any political subdivision using its voting system of any defect in the system known to occur anywhere.

Requires the designated election official to maintain separate, detailed records for each component of a voting system used in an election.

Random audit

Requires the secretary of state, following each primary, general, coordinated, or congressional district vacancy election, to publicly initiate a manual random audit to be conducted by each county and to randomly select not less than one percent of the voting devices used in each county. Where a central count voting device is in use in the county, specifies that the rules promulgated by the secretary shall require an audit of a specified percentage of ballots counted within the county.

For an election taking place in a county prior to the date the county has satisfied the voter-verified paper record requirements, specifies that the audit shall be for the purpose of comparing the manual tallies of the ballots counted by each voting device selected for each such audit with the corresponding tallies recorded directly by each such device.

For an election taking place in a county on or after the date the county has satisfied the voter-verified paper record requirements, specifies that the audit shall be conducted for the purpose of comparing the manual tallies of the voter-verified paper records produced or employed by each voting device selected for such audit with the corresponding ballot tallies recorded directly by each such device.

Specifies that, to the extent practicable, no voting device that is used for the random audit shall be used for conducting the testing of voting devices for recount purposes.

Upon completion of the audit, if there is any discrepancy between the applicable manual tallies of the voting device selected for the audit and the corresponding tallies recorded by such devices that is not able to be accounted for by voter error, requires the county clerk and recorder, in consultation with the canvass board of the county, to investigate the discrepancy and take such remedial action as necessary in accordance with its powers.

Requires the canvass board along with the county clerk and recorder to investigate any written complaint from a registered elector from within the county containing credible evidence concerning a problem with a voting device and take such remedial action as necessary in accordance with its powers.

Requires the county clerk and recorder to promptly report to the secretary of state the results of any completed audit or investigation.

Requires the secretary of state to post the results of any completed audit or investigation on the official website of the department of state not later than 24 hours after receiving the results of the completed audit or investigation. Authorizes the clerk and recorder of the affected county to timely post the results of the completed audit or investigation on the official website of the county. Requires the secretary to publish once in a newspaper of general circulation throughout the state notification to the public that the results have been posted on the department's website. Requires any audit conducted in accordance with the requirements of the act to be observed by at least 2 members of the canvass board of the county.

Requires the secretary of state to promulgate such rules as may be necessary to administer and enforce any of the audit requirements, including any rules necessary to provide guidance to the counties in conducting such audit. Specifies certain items for which the rules are to account.

Provisional ballots

Allows a voter claiming to be properly registered to vote but whose qualification to vote cannot be immediately established to cast a provisional ballot. States that no voter shall be denied the right to cast a provisional ballot. Allows a voter who does not show identification to cast a provisional ballot. Allows a voter who requests an absentee ballot but does not cast it to cast a provisional ballot if the voter affirms that he or she has not and will not cast the absentee ballot; but provides that the provisional ballot shall be counted only if the designated election official verifies that the absentee ballot was not cast and that the voter is eligible to vote.

Requires that provisional ballots contain:

- Text identifying them as provisional ballots;
- Instructions on the voting and handling of provisional ballots;
- An affidavit including an attestation, a notice of perjury, a warning of the penalty for falsifying the affidavit, and information sufficient to verify the voter's eligibility to vote and to register the voter.

States that the provisional ballot affidavit shall constitute a voter registration application for the voter for future elections and that any previous voter registration for the voter shall be cancelled, except for a voter who cast a provisional ballot because the voter did not show identification at the polling place or because the voter requested but did not cast an absentee ballot.

Requires a voter casting a provisional ballot to complete and sign the affidavit, mark the ballot, and seal the ballot in an envelope. States that if the election judge notices that the voter did not sign the affidavit, the election judge shall notify the voter that the ballot will not be counted if the affidavit is not signed. Requires the election official to give a written notice to a voter specifying how the voter can find out whether the provisional ballot was counted.

Directs the designated election official to attempt to verify that a voter who cast a provisional ballot is eligible to vote using procedures and databases prescribed by the secretary of state.

States that if a voter signs but does not provide all the information requested on the provisional ballot affidavit, the ballot shall be counted only if the designated election official is able to determine that the voter was registered to vote in the precinct and county. States that if a voter does not sign the provisional ballot affidavit, the designated election official shall send a letter to the voter informing the voter that the ballot will not be counted unless the affidavit is signed and giving the voter 8 days to come to the office of the county clerk and recorder to sign the affidavit. States that the provisional ballot shall not be counted if the voter fails to sign the affidavit after receiving this notice.

Directs the designated election official to appoint a board to count verified provisional ballots. Requires the designated election official to complete the

verification and counting of all provisional ballots within 10 days after a primary election and within 14 days after a general, odd-year, or coordinated election.

States that a provisional ballot shall be counted if the designated election official verifies that the voter who cast the ballot in accordance with the law is eligible to vote.

Establishes the following rules for persons who move before the close of voter registration but fail to register at their new residence:

- If a person moves from another state to Colorado, the person may cast a provisional ballot, which shall not be counted but shall serve as the person's voter registration application for future elections.
- If a voter moves from one county in Colorado to another, the voter may complete an emergency registration form at the office of the county clerk and recorder or may cast a provisional ballot, which shall be counted if the voter's eligibility is verified and which shall serve as the voter's voter registration application for future elections.
- If a voter moves from one precinct in a county to another, the voter may complete a change of address form at the office of the county clerk and recorder or may cast a provisional ballot, which shall be counted if the voter's eligibility is verified.

Establishes the following rules for persons who move after the close of voter registration but fail to register at their new residence:

- If a person moves from another state to Colorado, the person may cast a provisional ballot, which shall not be counted but shall serve as the person's voter registration application for future elections.
- If a voter moves from one county in Colorado to another and does not vote in the county where registered, the voter may cast a provisional ballot in the new county of residence. The voter's votes for federal and statewide offices and statewide ballot issues and ballot questions shall be counted, and the provisional ballot affidavit shall serve as the voter's voter registration application for future elections.
- If a voter moves from one precinct in a county to another and does not vote in the precinct where registered, the voter may cast a provisional ballot in the new precinct of residence. The voter's votes for federal and statewide offices and statewide ballot issues and ballot questions shall be counted, and the provisional ballot affidavit shall serve as the voter's voter registration application for future elections.

States that if a voter casts a provisional ballot at a polling place in a precinct other than the precinct in which the voter is registered, the voter's votes for federal and statewide offices and statewide ballot issues and ballot questions shall be counted.

Allows a voter who cast a provisional ballot to find out whether the ballot was counted and, if it was not counted, the reason for the rejection. States that this information shall be disclosed only to the voter.

Challenge of right to vote

States that if a person whose right to vote is challenged refuses to answer the required questions about the person's eligibility to vote or to take an oath that the person is eligible to vote, the person shall be offered a provisional ballot.

States that a challenge at a polling place shall be made in the presence of the person whose right to vote is challenged.

Requires a challenge of a person's right to vote to state the specific factual basis for the challenge.

Directs the county clerk and recorder or designated election official to deliver a challenge that is not withdrawn to the district attorney for investigation and action. Requires the district attorney to complete the investigation within 10 days if practicable. Requires the county clerk and recorder or designated election official to notify and send a copy of the challenge to a person who voted by absentee ballot, mail ballot, or provisional ballot and who was not present at the time of the challenge.

Election calendar

Changes the date of the precinct caucuses from the 2nd Tuesday in April to the 3rd Tuesday in March in each even-numbered year.

Changes the times allowed for:

- Holding party assemblies;
- Circulating candidate petitions;
- Filling vacancies in party nominations and designations;
- Filing affidavits to run as a write-in candidate;
- Certification of ballots by the secretary of state;
- Training of election judges;
- Verifying signatures on mail and absentee ballots;
- Agreements for coordinated elections;
- Applying for an absentee ballot;
- Reporting and certifying election results; and
- Requesting and completing recounts.

Miscellaneous provisions

Prohibits the secretary of state from serving as the highest ranking official, whether actual or honorary, in the campaign of any candidate for federal or statewide office, except when the secretary of state is the candidate.

Requires the secretary of state to seek the full amount of funds available to the state under the federal "Help America Vote Act of 2002" for distribution to counties.

Limits the prohibition on registration and voting by inmates to persons serving a sentence of detention or confinement for a felony conviction.

Allows a person who is unable to write to have his or her mark on a change of residence form attested to by any other person, eliminating the requirement for attestation by a notary public.

Allows emergency voter registration at any office or location authorized by the county clerk and recorder and staffed by personnel authorized by the county clerk and recorder. Allows a voter to register by emergency registration if the voter applied to register to vote at a voter registration drive and is able to show the receipt from the voter registration application.

Increases from 2 to 10 business days the time a county clerk and recorder has to review a voter registration application and notify the applicant of the disposition of the application. Increases from 10 days to 20 business days the time after which an application shall be rejected if the clerk's notice to the applicant is returned as undeliverable. Increases from 10 days to 20 business days the time after which an applicant shall be registered if the clerk's notice to the applicant is not returned as undeliverable.

Prohibits a county clerk and recorder from issuing a provisional ballot to substitute for a certificate of reinstatement of voter registration to a person who is entitled to receive a certificate of reinstatement.

States that when a voter receives a replacement absentee ballot, the first ballot returned by the voter shall be considered the voter's official ballot.

Allows a voter to request an emergency absentee ballot if a member of the voter's immediate family, related by blood or marriage to the second degree, is confined in a hospital or place of residence on election day. States that if a voter who is entitled to an emergency absentee ballot is unable to have an authorized representative pick up the ballot and deliver it to the voter, the designated election official shall deliver the ballot to the voter by electronic transfer. States that if, following the procedure for requesting an emergency absentee ballot, the designated election official is unable to provide that ballot to a voter, the designated election official shall seek authority from the secretary of state to provide a ballot to the voter by electronic transfer.

Allows a citizen who is traveling outside the United States, as well as a citizen who resides overseas, who qualifies for a special write-in blank absentee ballot to apply for such a ballot regardless of whether the person has previously applied for an absentee ballot for the election. Changes the date on which the designated election official shall begin processing applications for special write-in blank absentee ballots from the 60th to the 57th day before the election.

Eliminates the provision stating that if it appears to the election judges by sufficient proof that an absentee voter has died after forwarding an absentee ballot, the ballot shall not be counted. States that if it appears to the election judges by sufficient proof that an absentee ballot sent to an elector who died after requesting the ballot contains a forged affidavit, the ballot shall not be counted and the ballot shall be forwarded to the district attorney for investigation.

Requires the designated election official, within 60 days after a statewide election, to prepare and make public a statement of the total number of votes cast in the election for each candidate and for and against each ballot issue and ballot question. Requires the results of early voting to be given by precinct in counties that use only direct record electronic voting machines for early voting. Requires counties using vote centers to give election results by precinct, excluding votes cast by early

voting or absentee ballot, after January 1, 2006.

Allows a political subdivision that referred a ballot issue or ballot question to the voters to waive an automatic recount that would otherwise be required.

States that a person who collects a voter registration application from another person for mailing or delivery to a county clerk and recorder and who fails to mail or deliver the application to the proper county clerk and recorder within 5 business days is guilty of a misdemeanor.

Appropriates \$25,008 from the department of state cash fund to the department of state for the implementation of the act.

APPROVED by Governor June 6, 2005

EFFECTIVE June 6, 2005

H.B. 05-1147 Petitions - elimination of voter registration, identification, and party affiliation requirements for circulators - establishment of residency, citizenship, and age requirements for circulators. Eliminates the requirement that a circulator of a candidate, recall, initiative, or referendum petition be a registered voter. Requires a circulator of such a petition to be a resident of the state, a citizen of the United States, and at least 18 years of age.

Eliminates the requirement that a person who circulates a petition to nominate a partisan candidate be affiliated with the political party mentioned in the petition.

Eliminates the requirement that a person who circulates an initiative or referendum petition wear a badge indicating the person's name and whether the person is a paid or volunteer circulator.

Eliminates the requirement that the proponents of an initiative or referendum petition file reports with election officials identifying persons who were paid to circulate the petition.

Makes conforming amendments to provisions on the circulation of a petition for creation of a special taxing district, recall of a municipal officer, or a municipal initiative or referendum.

VETOED by Governor June 1, 2005

H.B. 05-1197 Ballot issues and ballot questions - ordering and alphanumerical designation on ballots. Specifies that measures to retain revenues in excess of a district's fiscal year spending limit shall be placed on a ballot after measures to increase taxes and before measures to increase debt. Commencing with the odd-year election held in November 2004, requires statewide referred measures to be lettered consecutively in a repeating alphabetical cycle from A to Z. Authorizes the secretary of state to promulgate rules to ensure proper implementation of the requirement, including, but not limited to, rules specifying the grouping of statewide referred measures for purposes of lettering or reserving specific sequences of letters for certain categories of measures.

Requires a referred measure that is referred to registered electors of multiple counties to have the same alphabetical, numerical, or alphanumerical designation on each ballot that includes the measure.

APPROVED by Governor June 3, 2005

EFFECTIVE June 3, 2005

H.B. 05-1332 Fair campaign practices act - definition of "corporation" - treatment of campaign contributions from limited liability companies - enforcement - penalties. Modifies the definition of "corporation" in the "Fair Campaign Practices Act" (FCPA) to include a domestic nonprofit corporation or any corporation incorporated under and subject to the laws of another state or foreign country.

Prohibits a limited liability company (LLC) from making a contribution to a candidate committee, small donor committee, political committee, or political party if one or more individual members of the LLC meets certain specified conditions.

Prohibits an LLC from making any contribution to a candidate committee, small donor committee, or political party if either the LLC has elected to be treated as a corporation by the internal revenue service or the shares of the LLC are publicly traded.

Requires any LLC to affirm in writing to the candidate committee, political committee, small donor committee, or political party to which it has made a contribution, as applicable, that it is authorized to make a contribution. Requires the affirmation to also state the names and addresses of all of the individual members of the LLC. Prohibits a candidate committee, political committee, small donor committee, or political party from accepting a contribution from an LLC unless the written affirmation is provided at the same time the contribution is made. Requires the candidate committee, political committee, small donor committee, or political party receiving the contribution to retain the written affirmation for at least one year following the date of the end of the election cycle during which the contribution is made.

Specifies that any contribution by an LLC is subject to the legal limits governing contributions. Specifies that any contribution by an LLC shall be attributed proportionately against each member's limit for the same candidate and election by the recipient candidate committee, political committee, small donor committee, or political party, as applicable, in the reports filed under the statutory and constitutional provisions concerning campaign finance disclosure.

Prohibits a foreign corporation from making any contribution under the campaign and political finance provision of the state constitution or the FCPA that a domestic corporation is prohibited from making under such provisions.

Authorizes any person who believes that a violation of the act's provisions governing contributions by an LLC and restricting contributions by a foreign corporation has occurred to file a written complaint with the secretary of state no later than 180 days after the date of the alleged violation. Specifies that the complaint is to be subject to all applicable procedures specified in the campaign and political finance provision of the state constitution.

Specifies that any person who has violated any of the provisions of the act relating to contribution limits on an LLC or foreign corporation shall be subject to a civil penalty of at least double and up to 5 times the amount contributed or received in violation of the applicable provision.

Specifies that any person who has violated any of the act's provisions relating to the written affirmation requirements shall be subject to a civil penalty of \$50 per day for each day that the written affirmation regarding the membership of a limited liability company has not been filed with or retained by the candidate committee, political committee, small donor committee, or political party to which a contribution has been made.

Makes the act applicable to the portion of any election cycle or for the portion of the calendar year remaining after the effective date of the act, and for any election cycle or calendar year commencing after such effective date, whichever is applicable.

VETOED by Governor May 31, 2005

FINANCIAL INSTITUTIONS

S.B. 05-26 Sales of securities - regulatory authority - attorney general - funding. Clarifies that the investigation of criminal violations of the laws regulating the sale of securities is the primary responsibility of the attorney general, concurrently with the district attorneys of the state. Allocates a portion of the registration fees and other fees collected under the securities laws to the department of law for the purpose of investigating and prosecuting such violations.

APPROVED by Governor June 1, 2005

EFFECTIVE June 1, 2005

S.B. 05-233 Public securities - interest rate exchange agreement - voter approval. Allows public entities to enter into an interest rate exchange agreement to lock in interest rates once they receive voter approval for proposed public securities rather than waiting until a binding sale contract has been entered into.

APPROVED by Governor June 1, 2005

EFFECTIVE June 1, 2005

H.B. 05-1003 Financial institutions - assessments. Changes the time that the commissioner of financial services ("commissioner") shall assess each savings and loan association fee for costs associated with administration, examination, and supervision from June 30 of each year to at least semiannually. Allows the commissioner to set dates for when the fees are collected. Allows the commissioner to estimate a per diem rate to be charged for the examination of each association. Repeals the \$100 minimum required assessment for public depositories. Repeals the fee assessed to cover the costs for processing and reviewing annual reports by the commissioner. Makes the process of collecting fees from a provider of services pursuant to a life care contract consistent with fee assessments for savings and loan institutions.

APPROVED by Governor February 23, 2005 **EFFECTIVE** February 23, 2005

GENERAL ASSEMBLY

S.B. 05-40 Prohibition on acceptance of money gifts by incumbents or elected candidates - office accounts for members of the general assembly. Prohibits each incumbent in or candidate elected to statewide elected office from receiving or accepting from any other person, in connection with the public service of the incumbent or elected candidate, a gift of any money, including but not limited to a loan, pledge, or advance of money, the receipt or acceptance of which is currently permitted as long as it is reported under the Colorado sunshine law. Clarifies that a gift of money for purposes of the prohibition does not include a gift of money to a member of the general assembly for office account purposes. Specifies that nothing in the act is to be construed to prohibit an incumbent or elected candidate from receiving a salary or other compensation paid to the incumbent or elected candidate for the performance of his or her official duties.

Extends the existing criminal penalties applicable to a violation of statutory provisions requiring the reporting of gifts and other benefits by incumbents and elected candidates to include a violation of the prohibition on monetary gifts to an incumbent or elected candidate.

Permits members of the general assembly to establish office accounts under specified conditions:

- The moneys are deposited in a financial institution in a separate account the title of which shall include the name of the member and the words "office account" or words of similar effect.
- A member accepts moneys for office account purposes from any person except from a political party.

Prohibits any person from whom a member is authorized to accept moneys for office account purposes from donating to a member, and no member from accepting from any such person:

- More than \$500 during any 2-year general election cycle for a member of the house of representatives; and
- More than \$1,000 during any 4-year general election cycle for a member of the senate.

Prohibits a professional lobbyist, volunteer lobbyist, or principal of a professional lobbyist or volunteer lobbyist from making or promise to make a donation to an office account, or solicit or promise to solicit a donation to an account, when the general assembly is in regular session.

Prohibits a member of the house of representatives from accepting aggregate donations to an office account that exceed \$10,000 for any calendar year. Prohibits a member of the senate from accepting aggregate donations to an office account that exceed \$20,000 for any calendar year.

Specifies that the monetary balance in an office account shall at no time exceed \$10,000 in the case of a member of the house of representatives or \$20,000 in the case of a member of the senate. Specifies that, for any calendar year,

expenditures from an office account shall not exceed \$10,000 in the case of a member of the house of representatives or \$20,000 in the case of a member of the senate.

Requires a member who has established an office account to only expend moneys from the account to defray expenses incurred by the member in connection with the performance of his or her official duties while serving as a member of the general assembly. Prohibits a member from expending moneys from the account to defray expenses incurred in connection with the member's nomination, retention, or election.

Requires each member who establishes an office account to file with the secretary of state, on or before January 15 of each year, a report covering the period since the last filing; except that the report due January 15, 2006, is to cover the period from the effective date of the act through January 15, 2006. Requires the report to be made on forms provided by the secretary. In the report, requires the member to disclose all donations made to the office account during the reporting period by amount and donor, and all amounts expended from the account during the reporting period by amount and purpose. Specifies that the report due January 15 may be made as part of any disclosure the member is required to make under the "Public Official Disclosure Law." Specifies that, if the member does not establish an office account, he or she is not be required to file a report.

Specifies that the provisions of this section are not intended to restrict the ability of a member to use unexpended campaign contributions as permitted by law.

Requires a member to close his or her account upon the completion of his or her service in the general assembly. Requires any moneys remaining in the account as of the completion of the member's service to be either donated to a charitable organization recognized by the internal revenue service or returned to the contributors. Subject to requirements of the act, permits a member who has established an account but elects to close the account prior to the completion of his or her service in the general assembly to close the account at any time. Requires that, in such case, any moneys remaining in the account as of the date the member elects to close the account be either donated to a charitable organization recognized by the internal revenue service or returned to the contributors.

Makes it a misdemeanor for any member to willfully file a false or incomplete report pursuant to the act or to willfully fail to file the report required by the act. Specifies that, upon conviction thereof, the person is to be punished by a fine of not less than \$50 nor more than \$1,000.

For purposes of the rules of conduct for public officers, members of the general assembly, local government officials, and employees, specifies that a donation of money for office account purposes shall not be considered a gifts of substantial value or a gift of substantial economic benefit tantamount to gifts of substantial value.

VETOED by Governor May 5, 2005

S.B. 05-157 Legislative legal expenses cash fund - expenditure of moneys by executive committee for qualified expenses. Authorizes the executive committee of the legislative council to authorize the expenditure of moneys in the legislative legal expenses cash fund for any qualified expenses of the legislative department upon the executive committee making a determination, after consulting with the chair of the committee on legal services, that the amount to be expended is not needed to pay litigation-related expenses of the committee on legal services. Defines "qualified expenses" as expenses relating to legislative aides and expenses relating to the necessary upkeep and furnishings of the chambers, antechambers, and committee rooms of the house of representatives and the senate and of the office space of legislators, house and senate staff, and staff of the legislative service agencies.

APPROVED by Governor March 25, 2005

EFFECTIVE March 25, 2005

H.B. 05-1046 Dynamic modeling - tax policy changes - pilot program - advisory committee - repeal. Requires the director of research (director) to establish a pilot program for the purpose of developing or procuring a dynamic model to analyze the economic impact of bills introduced by the general assembly during the 2008 regular session, but only if the director receives gifts, grants, or donations for the pilot program in an amount of at least \$120,000 by September 1, 2005. Establishes that only bills that make a tax policy change are eligible to be analyzed.

Creates the dynamic modeling advisory committee to assist the director in selecting the appropriate dynamic model, unless the director elects to rely on an existing board or committee from a private, nonprofit, or academic organization to assist him. Repeals the advisory committee, if created, on July 1, 2008.

Prior to the 2008 regular session, requires the director to notify the executive committee of the legislative council whether the dynamic model is ready to be used to analyze bills during the upcoming session. If the model is ready, requires the executive committee to select no more than 10 bills to be analyzed using the dynamic model, which shall be in addition to any fiscal note that is prepared pursuant to the rules of the general assembly. Requires the director to prepare a report evaluating how the dynamic model worked during the 2008 regular session and making recommendations for the use of the dynamic model in the future, including the feasibility of expanding the scope of the type of bills for which the dynamic model may be used.

Creates the dynamic modeling cash fund, which shall include any gifts, grants, or donations that the director receives.

APPROVED by Governor June 1, 2005

EFFECTIVE June 1, 2005

H.B. 05-1211 Per diem allowances - legislators residing in Broomfield. Clarifies that the city and county of Broomfield is part of the Denver metropolitan area for the purpose of determining the amount of per diem lodging and expenses allowances for members of the general assembly.

APPROVED by Governor April 20, 2005

EFFECTIVE April 20, 2005

GOVERNMENT - COUNTY

S.B. 05-69 County employees - salary information - publication. Requires that county employees be identified by title only rather than by name and title when the board of county commissioners publishes salary information for all county employees twice annually in a legal newspaper in the county.

VETOED by Governor April 14, 2005

S.B. 05-106 Classification - salaries of county officers - Gilpin county. Changes the classification of Gilpin county from category IV to category III for the purpose of establishing the salaries of county officers.

APPROVED by Governor April 22, 2005

EFFECTIVE August 8, 2005

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 05-141 Public improvements - solid wastes disposal limitations. Prohibits the land disposal of lead-acid batteries as of July 1, 2007. Establishes a collection system for the batteries. Requires waste haulers to notify customers that the land disposal of the batteries is prohibited. Allows a retailer selling replacement batteries to accept from customers used batteries of the same general type and collect a deposit of at least \$10 on the sale of a replacement battery that is not accompanied by the return of a used battery of the same general type.

Prohibits the land disposal of used oil. Specifies that every quart of improperly disposed of used oil constitutes a separate violation. Conditionally allows the disposal of an item or substance that contains de minimis quantities of used oil. Establishes a collection system for used oil. Requires waste haulers to notify customers that the land disposal of used oil is prohibited.

Prohibits the land disposal of waste tires. Specifies that each waste tire improperly disposed of constitutes a separate violation. Establishes a collection system for waste tires. Requires waste haulers to notify customers that the land disposal of waste tires is prohibited. Allows a retailer selling replacement tires in the state to accept from customers waste tires of the same general type and in a quantity at least equal to the number of new tires purchased. Allows a wholesaler selling tires to accept from customers waste tires of the same general type and in a quantity at least equal to the number of new tires purchased.

Specifies provisions governing inspection, enforcement, nuisances, violations, and civil penalties applicable to the provisions of the act.

APPROVED by Governor June 3, 2005

EFFECTIVE August 8, 2005

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 05-174 County sales or use tax - incremental exemption from statutory limitation for county-owned open space and parks. States that any increment of sales tax or use tax imposed by any county for the specific purposes of funding the acquisition, conservation, or long-term maintenance of county-owned open space and parks within such county shall be exempt from the statutory limitation on the total amount of sales tax or use tax that may be imposed by the state, any county, and any city or town.

Specifies that in no case shall such additional increment of sales tax or use tax exceed a rate of 1/2 of one percent.

States that this does not limit the total sales tax or use tax that a county may levy, collect, or expend for funding the purchase of land within such county for county-owned open space, parks, or conservation purposes or funding the long-term maintenance of such lands.

Specifies that the county may only impose an additional increment of sales tax or use tax after voter approval from eligible electors in the county.

VETOED by Governor April 14, 2005

S.B. 05-188 County elected officials - salary commission. Establishes a commission to study and make recommendations to the general assembly concerning salaries of county elected officials. Provides that the commission shall have 13 members, 12 members to be appointed by the speaker of the house of representatives and the president of the senate and one member to be appointed by the executive director of the department of local affairs. Specifies requirements pertaining to appointees to the commission. Specifies the terms of commission members. Specifies requirements pertaining to commission meetings. Provides that commission members shall serve without compensation.

Requires the commission to make a study of the salaries paid to county elected officials, the responsibilities of each county elected official and the scope of authority of the entity in which the official serves, the relative level of difficulty in performing the duties of each county elected official, the amount of time directly or indirectly related to the performance of the duties, functions, and services of each county elected official; and the current levels of salaries for comparable employment in other places of public and private employment in competitive labor markets. Requires the commission to submit a report to the local government committees of the general assembly on or before a specified date and on the first day of convening of the general assembly every 4 years thereafter. Requires the report to contain recommendations of the commission as to the appropriate level of salaries to be paid to county elected officials for the quadrennial period following the submission of the report and any additional facts and information in the judgment of the commission that are relevant to this determination. Specifies that the recommendations contained in the report are to be based on sound, systematic occupational analysis and job evaluation methods.

Requires the general assembly, in considering and enacting legislation concerning the salaries to be paid to county elected officials, to give consideration to the recommendations contained in the report.

Authorizes the commission to request information or assistance from the department of local affairs.

APPROVED by Governor June 7, 2005

EFFECTIVE June 7, 2005

S.B. 05-224 County service impacts related to an urban renewal project - urban renewal impact report - allocation of tax increment revenues created by urban renewal project - dispute resolution process where agricultural land is involved. Expands existing statutory provisions governing the approval of urban renewal plans to add the urban renewal authority (authority) as a party required to submit information, besides the governing body of the municipality (governing body) in which an authority has been established. Specifies that the information required under existing law is to be provided 30 days prior to the hearing on the plan. Clarifies that statutory provisions addressed in the plan include a substantial modification to the plan. Specifies that the information required to be submitted to the board of county commissioners with the plan or modification to the plan includes an urban renewal impact report under specified circumstances. Expands the type of information to be provided by the governing body or the authority concerning the impact of the plan.

Specifies that the inadvertent failure of a governing body or an authority to submit an urban renewal plan, substantial modification to the plan, or an urban renewal impact report, as applicable, to a board of county commissioners neither creates a cause of action in favor of any party nor invalidates any urban renewal plan or modification to the plan.

Upon request of the governing body or the authority, requires each county that is entitled to receive a copy of the plan to provide available county data and projections to assist the governing body or the authority in preparing the report.

In connection with existing statutory provisions governing the allocation of tax increment revenues created by an urban renewal project, deletes the requirement that the revenues be used for financing projects only within an urban renewal area.

Authorizes the governing body or the authority to enter into an agreement with any county within the boundaries of which property taxes collected as a result of the county levy, or portion of the levy, will be subject to allocation pursuant to existing statutory provisions. Specifies certain matters that may be provided for in the agreement. Permits tax increment revenues to be used to make payments under the agreement.

Permits a county to enforce the requirements of the act through the arbitration process established by the act under specified circumstances.

Requires a county objecting to the urban renewal plan to file written notice of the objection with the authority as well as the governing body that has approved the plan within 15 days of the approval of the plan. Specifies the required contents of the notice.

Specifies that, if the county, governing body, and authority have not reached a written agreement resolving the county's objections within 30 days after the receipt

by the governing body of the notice of objection, the objections shall be submitted to arbitration. Specifies the manner in which the panel of arbitrators charged with resolving the county's objections is to be selected. Permits the county, governing body, and authority to agree upon a single arbitrator.

Specifies when the arbitration hearing is to commence. Specifies the parties to the arbitration. Specifies which party is to assume the burden of proof at the arbitration hearing, and what the party needs to establish to sustain its burden. Requires the decision of the arbitrators to be based upon the notice of objection and upon the record of the public hearing. Specifies certain factors the arbitrators are required to take into consideration in rendering a decision. Requires the arbitration hearing to be concluded not later than 7 days after its commencement, and the decision of the arbitrators to be rendered not less than 30 days after the conclusion of the hearing. Requires the order of the arbitrators to be limited to either approving the urban renewal plan or, upon a finding of abuse of discretion, remanding the plan to the governing body for reconsideration of the county's objections. Makes the order final and binding on the parties and not subject to judicial review except to enforce the order or to determine whether the order was procured by corruption, fraud, or other similar wrongdoing.

Specifies the percentage of the necessary fees and expenses of arbitration that are to be borne by the parties to the arbitration.

Specifies that the provisions of the act shall not apply to any urban renewal plan in which less than 10% of the area identified in such plan:

- Has been classified as agricultural land for purposes of the levying and collection of property tax at any time during the 3-year period prior to the date of adoption of the plan; and
- Is currently identified for agricultural uses in a master plan adopted by the municipality and has been so identified for more than one year prior to the date of adoption of the plan.

Specifies that the arbitration process established in the act is to be the exclusive remedy available to a county for contesting the sufficiency of compliance by a governing body or an authority with the requirements of the act.

In connection with the conditions that must be found under existing law for the governing body to approve the urban renewal plan, adds as a new condition whether the authority or the municipality will adequately finance, or that agreements are in place to finance, any additional county infrastructure and services required to serve development within the urban renewal area for the period in which all or any portion of the tax increment revenues are paid to the authority.

Deletes from the existing statutory definition of "urban renewal project" language restricting the project to undertakings and activities located within an urban renewal area.

APPROVED by Governor June 3, 2005

EFFECTIVE June 3, 2005

H.B. 05-1062 Forcible entry and detainer - writ of restitution - expiration - sheriff's services - fees. Specifies that a writ of restitution issued by a court in a forcible entry and detainer action shall expire after 45 days following issuance of the writ. Eliminates the \$75 cap on fees that a sheriff may charge for certain services, and permits a sheriff to charge mileage for those services.

Replaces the \$60 cap on fees that a sheriff may charge for serving and executing a writ of restitution with a \$200 cap. Permits a sheriff to exceed the \$200 cap if the work performed exceeds two hours in duration. Specifies that a sheriff may charge a fee for serving and executing a writ of restitution after the sheriff has provided a detailed accounting of his or her actual expenses to the person requesting such service.

APPROVED by Governor April 14, 2005

EFFECTIVE August 8, 2005

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 05-1067 County public improvement district - fire protection improvements or services. Authorizes a public improvement district created by or within a county to construct, install, acquire, operate, maintain, or provide fire protection regardless of whether or not the county is authorized to provide fire protection improvements or services.

APPROVED by Governor April 14, 2005

EFFECTIVE August 8, 2005

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 05-1159 Sale of tax liens - public auction - internet - form of payment. States that a county treasurer may conduct a public auction to sell tax liens on lands and town lots on which taxes, interest, and fees have not been paid by means of the internet or other electronic medium.

Requires the notice of a sale of tax liens at public auction by means of the internet or other electronic medium to contain:

- The electronic address of the public auction;
- The location of computer workstations that are available to the public and information about how to obtain instructions on participating in the public auction; and
- A statement that the bidding rules for the public auction will be posted on the internet or other electronic medium at least 2 weeks before the date of sale.

States that, for a public auction conducted by means of the internet or other electronic medium:

- The treasurer may add a fee to cover the cost of conducting the public auction.

- The system shall allow members of the public to submit bids by computer and permit the treasurer to accept bids for as long as the treasurer deems necessary.
- The county and its employees are not liable for the failure of a computer or internet device that prevents a person from participating in the auction.
- The treasurer shall cause the internet bidding rules to be posted on the electronic medium for at least 2 weeks before the date of sale, and the posted internet bidding rules shall apply to all bidders in the auction.
- If a bidder fails to pay the amount due, the treasurer may offer the tax lien to another bidder without additional advertisement or recover the amount bid by civil action.
- The treasurer may prohibit a bidder who fails to pay the amount due from bidding on a tax lien sale for up to 5 years.

Authorizes the treasurer to accept payment for a tax lien in the form of cash, negotiable paper, or electronic funds transfer.

APPROVED by Governor June 3, 2005

EFFECTIVE June 3, 2005

GOVERNMENT - LOCAL

S.B. 05-10 Local government retirement plans - administration. Clarifies that any county, municipality, or other political subdivision by itself or in conjunction with any other county, municipality, or political subdivision may establish a retirement plan or system for its elected or appointed officers and its employees.

Allows any municipality, special district, fire authority, or county improvement district offering fire protection services that is not required to affiliate with the police officers' and firefighters' pension plans established pursuant to statute to affiliate with a retirement plan or system established by a county, municipality, or political subdivision. Allows any entity that is not a county, municipality, or political subdivision but that was previously included in a retirement plan or system to remain in the plan or system.

Requires that the management of a retirement plan or system that is comprised of one or more counties, one or more municipalities, and one or more political subdivisions be vested in a joint board of retirement consisting of 7 members. Specifies certain requirements for the composition of the joint board. Requires that the management of a retirement plan or system that is comprised of any county and municipality, any county and political subdivision, or any municipality and political subdivision be vested in a joint board of retirement consisting of 7 members. Specifies certain requirements for the composition of the joint board.

For a joint board of a retirement plan or system comprised of one or more counties, one or more municipalities, and one or more political subdivisions, states the following:

- A person shall not be a member of a joint board if the person has been adjudicated of violating one or more specified statutory provisions relating to local government employees' retirement systems or convicted of a felony or any crime involving the misappropriation of funds.
- A joint board member shall be entitled to \$100 compensation for each meeting attended and may be reimbursed for any actual and necessary expenses incurred in the conduct of his or her official duties on the joint board.
- A joint board member shall not engage in activities that might result in a conflict of interest with his or her functions as a fiduciary for the retirement plan or system.

Specifies certain requirements for a joint board of a retirement plan or system comprised of one or more counties, one or more municipalities, and one or more political subdivisions regarding obtaining insurance or self-insuring against liability, setting the time and place and the conduct of meetings, holding executive sessions of the joint board, and taking votes of the joint board.

States that the state auditor may conduct an audit once every 3 years of any retirement plan or system established and maintained by any county in conjunction with any other county.

States that all information contained in records of members of a retirement plan or system of retirement benefits established and maintained pursuant to the act, former members, inactive members, and benefit recipients and their dependents shall be kept confidential by the retirement plan or system.

APPROVED by Governor April 22, 2005

EFFECTIVE April 22, 2005

S.B. 05-59 Funding for mental health care services - authority to form special taxing districts - county authority for voter-approved sales tax. Authorizes the creation of a mental health care service district to provide mental health care services to residents of the district who are in need of mental health care services and to family members of such residents. Allows the district to seek voter approval to levy a sales tax in the district to generate revenues to provide mental health care services.

Makes legislative findings. For purposes of a mental health care district that will levy a property tax, requires that the district be organized in accordance with the "Special District Act". For purposes of a mental health district that will levy a sales tax, requires the district to be organized in accordance with the "Special District Act" as modified by this act to allow all eligible electors in the proposed district, rather than the property owners, to vote on the organization of the district and related ballot issues.

Upon voter approval, allows any county in the state to impose an additional sales tax of up to a specified amount for the purpose of providing mental health care services in the county. Exempts such additional sales tax from the total cap on total county sales tax imposed by law.

APPROVED by Governor June 2, 2005

EFFECTIVE June 2, 2005

S.B. 05-80 Notification to military installations by local governments of land use changes. Requires each local government within whose territorial boundaries is located all or any portion of specified military installations the total acreage of which is in excess of 1,000 acres to timely provide to the commanding officer of that installation, or his or her designee, information relating to proposed changes to the local government's comprehensive plan, amendments to the plan, or land development regulations that, if approved, would significantly affect the intensity, density, or use of any area within the territorial boundaries of the local government that is within 2 miles of the military installation. Specifies that nothing in the act is intended to require submission of any information in connection with a site-specific development application under consideration by the local government.

Upon submission of the required information under the act, requires the local government to provide the military installation an opportunity to review the information and comment on the impact the proposed changes may have on the mission of the military installation. Specifies certain items that may be included within the comments.

Requires the local government to review any comments received from the commanding officer or his or her designee pursuant to the act when considering approval of a comprehensive plan, amendments to the plan, or its land development

regulations. Requires the local government to forward a copy of any such comments received to the office of smart growth.

APPROVED by Governor April 14, 2005

EFFECTIVE August 8, 2005

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 05-152 Provision of communications services - limitation on local governments. Prohibits a local government from providing cable television service, telecommunications service, and high speed internet access (advanced) service to subscribers, as well as taking specified actions related to providing the services. Allows such services to be provided if a local government calls an election in accordance with certain requirements on whether or not the local government shall be allowed to provide the proposed service, and a majority of those voting approve the ballot proposition.

Creates an exemption that allows a local government to provide such services if no private provider provides the service within the boundaries of the local government, the governing body of the local government has submitted a written request to provide the service to a provider of the service, and the provider has not agreed to provide or commenced providing the service within certain deadlines.

Requires a local government that provides cable television, telecommunications, or advance service to comply with all state and federal laws governing provision of the service by a private provider. Prohibits a local government from granting preferences to itself or any provider of services and requires a local government to apply its ordinances, rules, and policies without discrimination as to itself and private providers of services. Specifies enforcement and appeal provisions.

APPROVED by Governor June 3, 2005

EFFECTIVE June 3, 2005

S.B. 05-160 Submission of application by utility or power authority to local government - siting of major electrical or natural gas facilities - notice of additional information required to complete application - period for local government to take action on application. In connection with the submission by a public utility or power authority of an application to a local government relating to the location, construction, or improvement of major electrical or natural gas facilities, requires the local government, within 28 days of the submission of an application, to give notice to the utility or authority of additional information that must be supplied by the utility or authority to complete the application. Requires the notice to specify the particular provisions of the local government's land use regulations that necessitate submission of the required information. Specifies that the applicable 120- or 90-day review period is to commence on the date that the utility or authority provides the requested information to the local government in response to the notice required by the act.

Specifies that, if the local government does not notify the public utility or power authority within 28 days that additional information is required to complete

the application, the applicable 120- or 90-day review period is to commence on the date of the submission by the utility or authority of its application. In such circumstances, specifies that any request by a local government for additional information after the completion of the 28-day period will not extend the statutory deadline for final local government action.

APPROVED by Governor April 14, 2005

EFFECTIVE August 8, 2005

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 05-1032 Planned unit development - modifications for land set aside for governmental purposes. In the case of any land located within a planned unit development (PUD) that has been set aside for a governmental use or purpose as specified in the plan of the PUD, the plan agreement, or related documents, authorizes a governmental entity that holds legal title to the land, with the approval of the county or municipality in which the land is located, as applicable, and following a public hearing, to do any of the following, singularly or in combination:

- Subdivide all or any portion of the land;
- Remove or release all or any portion of the land from any limitations on its use or purpose by the governmental entity as specified in the plan, plan agreement, or related documents; or
- Sell or otherwise dispose of all or any portion of the land.

Specifies that any action authorized in accordance with the requirements of the act shall only be undertaken upon a finding by the county or municipality, as applicable, following a public hearing that all or any portion of the land is not reasonably expected to be necessary for a governmental use or purpose or that the governmental use or purpose will be furthered by disposal of the land. Specifies that, where action has been undertaken in accordance with the requirements of the act, the future use of all or any portion of the land shall in all other respects be consistent with the efficient development and preservation of the entire PUD and with the plan.

APPROVED by Governor June 1, 2005

EFFECTIVE June 1, 2005

H.B. 05-1210 Inclusion of a governmental unit into an existing library district. Authorizes any governmental unit sharing at least one common boundary with an existing library district (district) to become part of the district upon a resolution executed by the board of trustees of the district and the adoption of an ordinance or resolution by the legislative body of the governmental unit approving the inclusion of the governmental unit into the district. Requires the electors to approve the tax levy imposed by the district before the governmental unit may be included in the district unless the levy has been previously approved by the registered electors of the governmental unit. Specifies that the election shall be held in conformity with existing election law procedures. Specifies the dates on which the election shall be held.

Requires the legislative body of the governmental unit and the board of

trustees of the district to enter into a written agreement setting forth the rights, obligations, and responsibilities, financial and otherwise, of the parties to the agreement upon the approval by the electors of the inclusion of a governmental unit into a district.

Authorizes the governmental unit to follow the procedures specified in the act to bring about the inclusion of the entire governmental unit into the district when only a portion of the governmental unit is included in the district. Specifies that only the registered electors residing within the portion of the governmental unit that is not included within the district at the time of the commencement of the inclusion proceedings shall be allowed to vote to approve the district tax levy.

APPROVED by Governor April 20, 2005

EFFECTIVE April 20, 2005

H.B. 05-1230 Public utility facility siting - compliance with local government zoning rules. Subject to existing statutory provisions governing the siting of major utility facilities, prohibits a public utility from constructing or installing any new facility, plant, or system within the territorial boundaries of any local government unless the construction or installation complies with the zoning rules, resolutions, or ordinances of the local government applicable to the property on which the facility, plant, or system is to be constructed or installed. Specifies that nothing in the act shall be construed to either prohibit a local government from granting a variance from its zoning rules, resolutions, or ordinances for such uses of the property or to grant the public utilities commission any additional authority to restrict a siting application.

APPROVED by Governor June 3, 2005

EFFECTIVE August 8, 2005

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 05-1273 Intergovernmental contracts - term of contracts providing for sharing of costs or imposition of taxes. Specifies that any intergovernmental contract providing for the sharing of costs or the imposition of taxes may be entered into for any period, notwithstanding any provision of law limiting the length of any financial contracts or obligations of governments.

APPROVED by Governor June 3, 2005

EFFECTIVE June 3, 2005

H.B. 05-1304 Prohibition on discrimination against manufactured housing and factory-built residential structures. Prohibits any local government from enacting, establishing, or enforcing any regulation, resolution, ordinance, or other legal requirement that has the effect, directly or indirectly, of discriminating against consumers' choices in the placement or use of a home in such a manner that the regulation, resolution, ordinance, or other legal requirement is not equally applicable to all homes. Specifies that this requirement does not apply to a mobile home.

Prohibits any local government from enacting, establishing, or enforcing any regulation, resolution, ordinance, or other legal requirement regarding manufactured

homes or factory-built residential structures that is inconsistent with any regulation, resolution, ordinance, or other legal requirement imposed on any other types of dwellings permitted in the same residential district or zone.

Subject to exceptions specified in the act, prohibits any local government from enacting, establishing, or enforcing any regulation, resolution, ordinance, or other legal requirement that imposes a construction or safety standard:

- For manufactured homes that is not identical to those contained in federal legislation governing construction and safety standards for manufactured housing; or
- For factory-built residential structures that is not identical to a building code adopted by the state housing board and applicable to such structures.

Specifies that nothing in the act shall be construed to prevent a local government from requiring that a manufactured home or factory-built residential structure:

- Comply with specified local standards and requirements to the extent that such standards or requirements are applicable to existing or new housing within the specified use district of the local government;
- Be connected to utilities in accordance with all applicable standards;
- Comply with local wind shear requirements and snow load requirements; and
- Otherwise meet all additional requirements for a manufactured home or factory-built residential structure in accordance with state law.

Stipulates that nothing in the act shall be construed as overriding any legally recorded covenants or restrictions.

Specifies that the provisions of the act shall apply only to the first residential placement of a manufactured home or a factory-built residential structure on a permanent foundation and shall not apply to mobile homes.

VETOED by Governor June 1, 2005

GOVERNMENT - MUNICIPAL

S.B. 05-8 Fire and police pension association - old hires - retirees' involvement in administration of benefit plans. In any municipality having a population of less than 100,000, allows retired old hire members, in addition to active old hire members, of a fire department to elect the active or retired old hire members of the board of trustees of the firefighters' old hire pension fund.

In fire protection districts and county improvement districts, states that retired old hire members of a fire department may serve on the board of directors of the firefighters' old hire pension fund.

Requires the board of directors of the fire and police pension association to have approval of retired, as well as active, old hire members before modifying any provision of an old hire pension plan.

APPROVED by Governor April 5, 2005

EFFECTIVE April 5, 2005

S.B. 05-43 Fire and police pension association - applicability of plan - exception for social security coverage. Specifies that any employer in the state that provides police or fire protection services and that employs police officers or firefighters shall provide the pension benefits of the statewide defined benefit plan established for police officers and firefighters unless the employer covers its employees under the federal "Social Security Act" and began such coverage under the "Social Security Act" on or before August 11, 2005.

APPROVED by Governor April 14, 2005

EFFECTIVE August 8, 2005

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 05-67 Fire and police pension association - incorporation of local employers' exempt defined benefit pension plans. At the request of a local employer's governing body, authorizes the board of directors of the fire and police pension association (board) to incorporate the local employer's exempt defined benefit pension plan (local employer's plan) into the statewide defined benefit plan (statewide plan). States that the incorporation shall be under terms and conditions upon which the local employer's governing body and the board agree.

Requires the board to find, prior to the implementation of the incorporation agreement, that the incorporation of the local employer's plan into the statewide plan is not projected to have an actuarial impact on the statewide plan. Specifies that an agreement for incorporation may be accomplished without approval from the members of either plan.

States that after the date of incorporation of the local employer's plan into the statewide plan, the board may require employees that the local employer hires to become part of the statewide plan.

APPROVED by Governor April 14, 2005

EFFECTIVE April 14, 2005

H.B. 05-1002 Fire and police pension association - fund management - confidential investment information. States that a public record received, prepared, used, or retained by an investment fiduciary in connection with an investment or potential investment of the fire and police pension association that relates to investment information pertaining to a portfolio company in which the investment fiduciary has invested or has considered an investment or that relates to investment information whether prepared by or for the investment fiduciary regarding loans and assets directly owned by the investment fiduciary is exempt from the disclosure requirements of the public records law. Specifies that if a public record is an agreement or instrument to which an investment fiduciary is a party, only the parts of the public record that contain investment information are exempt from disclosure.

Requires the board of directors of the fire and police pension association to publish and make available to the public a report of its investments on an annual basis. Specifies the information that the board shall include in the report.

APPROVED by Governor March 11, 2005

EFFECTIVE March 11, 2005

H.B. 05-1277 Nuisance committed by tenant - right of property owner to abate. States that a municipal ordinance may impose liability on the owner of real property for a nuisance committed on the property by a tenant in lawful possession of the property only if the municipality notifies the property owner and the tenant of the nuisance before a fine or other liability is imposed.

Authorizes a property owner who has received notice from a municipality of a nuisance committed by a tenant to deliver a written notice to the tenant to abate the nuisance. Authorizes the property owner to enter the exterior area of the property and abate the nuisance if the tenant does not abate the nuisance within 5 days after delivery of the notice from the property owner. States that the act shall not be construed to prohibit a property owner from entering any area of the property under the terms of the lease with the tenant.

States that if the abatement of a nuisance requires the removal of a motor vehicle from the property, the property owner may abate the nuisance only by hiring a towing carrier to take the vehicle to a lot for storage under appropriate protection.

States that unless the lease provides otherwise, the tenant shall be liable to the owner of the real property for the amount of the owner's direct costs in abating a nuisance committed by the tenant and for the amount of the fine imposed on the owner on and after the date on which the tenant received notice of the nuisance from the municipality.

States that the act shall not be construed to limit a tenant's legal remedies for harm caused by a property owner to the tenant's person or to the tenant's property other than the property that is the subject of a nuisance abatement by the property owner.

APPROVED by Governor May 25, 2005 **EFFECTIVE** January 1, 2006

NOTE: This act was passed without a safety clause. For further explanation

concerning the effective date, see page vi of this digest.

GOVERNMENT - SPECIAL DISTRICTS

S.B. 05-12 Special district provisions - compensation of board. Increases the maximum compensation that may be paid to members of the board of directors of a special district from \$950 to \$1,600 per annum.

APPROVED by Governor April 27, 2005

EFFECTIVE July 1, 2005

S.B. 05-45 Water districts - powers - reservoirs - park and recreation services. Allows a water district, water and sanitation district, or a water conservancy district to provide park and recreation improvements and services in connection with a reservoir owned by the district and adjacent lands if no other entity is currently providing such improvements and services. Prohibits other entities from providing such services and improvements without the consent of the district's board once the board adopts a resolution to provide the services and improvements. Specifies the district's powers with regard to the services and improvements, and states that the provision of the services and improvements is not a material modification of the district's service plan.

APPROVED by Governor April 5, 2005

EFFECTIVE April 5, 2005

S.B. 05-61 Regional transportation district - competition to provide vehicular service. Reduces the minimum percentage from 50 to 35 of vehicular service that the regional transportation district shall have provided by qualified private businesses pursuant to competitively negotiated contracts.

VETOED by Governor May 4, 2005

S.B. 05-182 Eminent domain actions - transportation projects undertaken by the regional transportation district - computation of damages. In connection with existing statutory provisions governing the formula for computing damages in eminent domain proceedings, expands the types of public acquisitions for which special benefits may be awarded to include acquisitions for transportation projects undertaken by the regional transportation district instead of exclusively highway acquisition as is provided under current law.

BECAME LAW April 19, 2005

EFFECTIVE August 8, 2005

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 05-1048 Special district - property tax reduction agreements. Permits a special district to negotiate for an incentive payment or credit with a taxpayer who, within the special district, establishes a new business facility or expands an existing facility. Establishes criteria for eligible facilities. Limits the amount of the payment or credit and establishes a maximum term of 10 years. Requires a special district that negotiates an agreement to give a taxpayer an incentive payment or credit to inform any municipality, county, and school district in the same area of such negotiations.

Permits a special district that is within an enterprise zone to negotiate with a qualified taxpayer who establishes a new business facility or expands an existing facility within the enterprise zone for an incentive payment or credit. Limits the amount of the payment or credit. Prohibits a special district from entering into an agreement to give a taxpayer an incentive payment or credit unless, prior to or simultaneous with the execution of the agreement, the taxpayer also enters into a similar agreement with a municipality or county.

APPROVED by Governor April 5, 2005

EFFECTIVE August 8, 2005

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 05-1207 Regional transportation district - transit expansion plan - utility relocation. Requires the regional transportation district (district) to negotiate with any affected utility companies to determine which party shall be responsible for any utility relocation projects necessitated by a transportation expansion plan adopted by the board of directors of the district and approved by the voters on November 2, 2004. Requires funding for utility relocation to be arranged as specified in the easements, licenses, franchises, or other property interests and rights of use held by the district or utility company.

Allows a local exchange provider of basic local exchange service to recover the actual costs incurred by the provider for the utility relocation requested by the district by means of a surcharge imposed on the access lines of all customers that reside in the district.

Allows the district to enter into a fixed guideway corridor utility relocation agreement (agreement) with public and private utility companies for timely relocation of utilities. Requires the agreement to include a schedule for design, review, dispute resolution, and construction. Allows the agreement to provide for utility company expansions and incorporate reasonable and appropriate conditions.

Allows the district to advance funds to utility companies for the utility relocation plan, subject to repayment by the utility company with interest, unless the district is obligated to pay for the utility relocation.

Subjects all design and construction of utility relocation to review and approval by district and utility company engineers.

Establishes a dispute resolution process if the district and utility company cannot reach an agreement, and, if the dispute cannot be resolved, specifies venues for district court litigation. Specifies a presumption that irreparable harm to the public will occur if an injunction is not granted to require the utility relocation during litigation.

Requires the district to provide utility companies with detailed maps, drawings, plans, and profiles of the district's proposed improvements at specific times. Requires the district to solicit information from utility companies as to the location of utility facilities within the fixed guideway corridor.

Establishes notice requirements for utility relocation of known utility facilities identified on documents and for discovery of utility facilities during construction. Establishes a time frame for the negotiation of an agreement if utilities are discovered during construction that were not included in existing plans.

Confers on the district the power to provide and condemn replacement easements for relocation of utilities as a transportation project undertaken by the district. Specifies that aboveground utility facilities shall, at the utility company's discretion, be relocated aboveground and underground utility facilities shall be relocated underground. Specifies that the relocation easements shall be acquired as close as possible to the original location to minimize the cost of utility facility reconfiguration.

Subjects the utility company to liability for actual damages if the utility company causes a delay in the performance of utility relocation work or interference with the performance of construction by other contractors. States that the utility company is not liable for damages if the delay or interference is caused by force majeure.

VETOED by Governor May 25, 2005

GOVERNMENT - STATE

S.B. 05-7 Private activity bond ceiling allocation - administrative fee - appropriation. Eliminates the automatic repeal of the department of local affairs' authority to charge an administrative fee to entities other than local governments that apply for bonding authority for their private activities pursuant to the "Colorado Private Activity Bond Ceiling Allocation Act".

Reduces the appropriation from the general fund to the department of local affairs, division of housing, by \$79,000.

Appropriates \$79,000 from the private activity bond allocation fund to the department of local affairs, division of housing, for implementation of the act.

APPROVED by Governor June 1, 2005

EFFECTIVE June 1, 2005

S.B. 05-42 Appointed state officials - salaries - public utilities commission - method of determination. Authorizes the executive director of the department of regulatory agencies to set the annual compensation of the members of the public utilities commission based on the most recent available figures contained in the annual total compensation survey for the category of senior executive service. Requires the 3 commissioners' salaries to be uniform except for up to a 10% increase for the chairman.

APPROVED by Governor May 12, 2005

EFFECTIVE May 12, 2005

S.B. 05-73 Public employees' retirement association - employment of service retirees. Specifies that amounts paid in connection with the employment of a service retiree of the public employees' retirement association (PERA) by a PERA employer (employer) be included in the employer's payroll for purposes of calculating the amortization equalization disbursement. Specifies that the salary of a service retiree who is serving in a state elected official's position shall not be subject to employer contributions.

Requires each employer to provide a copy of any tax related information on its employees or other individuals or firms from which the employer receives services and, upon request by PERA, to provide a copy of any agreement, contract, or other document whereby the employer receives services.

Defines the nature of the employment relationship between a retiree of PERA and an employer for purposes of determining any reduction of a service retirement benefit for employment after service retirement.

Specifies that a retiree of PERA serving in a state elected official's position shall be eligible to participate in the PERA defined contribution plan and the public officials' and employees' defined contribution plan.

APPROVED by Governor June 2, 2005

EFFECTIVE June 2, 2005

S.B. 05-93 Public pension benefits - misconduct in connection with public property - attachment of benefits permitted. States that public pension or retirement benefits or payments are included in the definition of "earnings" for the purpose of writs of garnishment that are the result of a judgment taken for restitution for theft, embezzlement, misappropriation, or wrongful conversion of public property or for a willful and intentional violation of fiduciary duty to a public pension plan where the offender or a related party received a direct financial gain.

Allows for the attachment of a public pension participant's pension benefits if the participant is required to pay restitution for theft, embezzlement, misappropriation, or wrongful conversion of public property or if the participant is in a fiduciary position with the public pension plan, for a willful and intentional violation of fiduciary duties to the plan where the participant or a related party received a direct financial gain.

APPROVED by Governor March 25, 2005

EFFECTIVE August 8, 2005

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 05-131 Open records - specialized details of security arrangements or investigations - names of utility customers - criminal justice records. Repeals the provision that records received by or provided to the office of preparedness, security, and fire safety or any state agency or political subdivision from or on behalf of the office shall constitute specialized details of security arrangements, which shall not be disclosed under the open records law.

For purposes of the provision of the open records law that allow the custodian of a record to deny the right of inspection of the record if its disclosure would be contrary to the public interest:

- States that records of the expenditure of public moneys on security arrangements or investigations, including contracts for security arrangements and records related to the procurement of, budgeting for, or expenditures on security systems, shall be open for inspection, except to the extent they contain specialized details of security arrangements or investigations. Authorizes the custodian of a public record to deny the right of inspection of only the portions of such record that contain specialized details of security arrangements or investigations, and requires the custodian to allow inspection of the remaining portions of the record.
- States that if an official custodian has custody of a public record provided by another public entity that contains specialized details of security arrangements or investigations, the official custodian shall refer a request to inspect that public record to the official custodian of the public entity that provided the record and shall disclose to the person making the request the names of the public entity and its official custodian to which the request is referred.

Prohibits the disclosure of the names of persons who are past or present users of public utilities, public facilities, or recreational or cultural services owned by the

state or a political subdivision, in addition to the existing prohibition on disclosure of addresses, telephone numbers, and personal financial information. States that a custodian of a record is not prohibited from disclosing this information to an agent of an investigative branch of a federal agency or any criminal justice agency who asserts that the request is reasonably related to an investigation within the scope of the agency's authority and duties.

States that the allowance or denial of the right to inspect criminal justice records that contain specialized details of security arrangements or investigations shall be governed by the provisions of the open records law on the disclosure of specialized details of security arrangements or investigations.

APPROVED by Governor May 12, 2005

EFFECTIVE July 1, 2005

S.B. 05-148 Fire safety - regulation of contractors - continuation of fire suppression program under sunset law. Requires the administrator of the fire suppression program to implement a formal system to track the disposition of complaints and to make the information available on the internet. Authorizes the administrator to issue letters of admonition. Restates the grounds for discipline to prohibit conduct likely to deceive, defraud, or harm the public. Requires fines associated with the program to be credited to the general fund.

Extends the automatic termination date of the fire suppression program of the division of fire safety to July 1, 2014, pursuant to the provisions of the sunset law.

APPROVED by Governor April 14, 2005

EFFECTIVE July 1, 2005

S.B. 05-149 Public assistance - correctional facility inmates. Continues the function of assisting inmates to apply for supplemental security income and medicaid within facilities administered by the department of corrections. Replaces a review by the department of regulatory agencies with an audit performed by the state auditor.

Does not continue such function within facilities administered by the community corrections board.

APPROVED by Governor April 14, 2005

EFFECTIVE July 1, 2005

S.B. 05-163 Public employees' retirement association - retirees from judicial division - discretionary expansion of years to perform judicial duties postretirement. Allows retired judges to perform judicial duties for more than 12 years postretirement at the discretion of the Colorado supreme court.

APPROVED by Governor April 22, 2005

EFFECTIVE April 22, 2005

S.B. 05-171 Public employees' retirement association - school district retirement system - merger. Modifies existing law that authorizes a school district retirement system (merging system) to enter into an agreement to merge into another public employee retirement system (continuing system) as follows:

- Extends the effective date of the merger to January 1, 2007.
- Extends the deadline by which the merging system, school district, or the continuing system has the right to terminate the merger.
- Modifies the reasons for which the merger may be terminated.
- Provides that the merger shall not result in the reduction of benefits for specified survivors of members of a merging system.
- Modifies provisions governing the retirement benefit increases to be awarded to retirees of the continuing system.
- Extends the deadlines for providing actuarial valuations related to the merger.
- Modifies provisions governing the transfer of assets and the payment of liabilities and other amounts due from the merging system to the continuing system.
- Authorizes the merger agreement between the merging system and the continuing system to provide for an escrow arrangement in specified circumstances, subject to specified requirements.
- Modifies provisions governing liability insurance coverage related to a merger.
- Allows the merging system and the continuing system to agree upon a date upon which the minimum salaries are fixed for staff of the merging system that become employees of the continuing system.
- Removes references to improving the benefits of members and beneficiaries from the statutory statement of legislative intent related to a merger.
- Authorizes the use of pension certificates of participation in connection with the sale of lands and buildings of a school district to fund amounts due to the continuing system in connection with the merger.
- Makes other clarifying and conforming changes.

APPROVED by Governor May 24, 2005

EFFECTIVE May 24, 2005

S.B. 05-172 State personnel system - state employees group benefit plans reserve fund - limitation on expenditures. Specifies that the moneys in the group benefit plans reserve fund and the premium stabilization reserve account, created within the group benefit plans reserve fund, are not general assets of the state.

States that in the event that the state personnel director enters into contracts or renewals for group benefit plans that are self-funded, the moneys in the group benefit plans reserve fund shall be expended only for the purposes of the premium stabilization reserve account, premiums, claim costs, and other administrative fees and costs associated with the group benefit plans.

States that the moneys in the premium stabilization reserve account shall be expended only for purposes of the account.

APPROVED by Governor March 18, 2005

EFFECTIVE July 1, 2005

S.B. 05-185 State administrative hearings - office of administrative courts - administrative law judges - recovery of attorney fees and costs in action brought to enforce legal requirements concerning campaign finance. Changes the name of the division of administrative hearings in the department of personnel (department) to the office of administrative courts, the head of which office shall be the executive director of the department. Authorizes the executive director of the department to establish and maintain administrative offices and courts for the office in Denver and in the southern region and on the western slope of the state.

Directs the executive director of the department to appoint and assign administrative law judges to hear particular cases or classes of cases as necessary and appropriate to provide services to each state agency.

Makes the qualifications for an administrative law judge the same as those for a district court judge. Gives the administrative law judges the power to:

- Issue subpoenas, administer oaths, and control the trials and proceedings before them; and
- Engage in or encourage the use of alternative dispute resolution as appropriate.

Modifies a provision in the "Fair Campaign Practices Act" (FCPA) to allow a party in any action brought to enforce the campaign and political finance provisions of the state constitution or of the FCPA recovery of the party's reasonable attorney fees and costs from any attorney or party who has brought or defended the action, either in whole or in part, upon a determination by the office of administrative courts that the action, or any part thereof, lacked substantial justification or that the action, or any part thereof, was interposed for delay or harassment or if it finds that an attorney or party unnecessarily expanded the proceeding by other improper conduct, including, but not limited to, abuses of discovery procedures available under the Colorado rules of civil procedure.

APPROVED by Governor June 1, 2005

EFFECTIVE June 1, 2005

S.B. 05-193 Colorado bureau of investigation - functions of bureau - assistance to state agencies. Authorizes the Colorado bureau of investigation to assist a state agency in the investigation and detection of crime and in the enforcement of the criminal laws of the state if such assistance is requested by the head of a state agency.

APPROVED by Governor June 1, 2005

EFFECTIVE June 1, 2005

S.B. 05-196 Public school lands - state board of land commissioners investment and development fund. Commencing with the 2005-06 state fiscal year, requires the first \$12 million of proceeds received by the state for timber sales, rental payments, and mineral leases on public school lands, rather than all such proceeds, to be credited to the public school income fund, and any amount in excess of \$12 million to be credited to the principal of the permanent school fund.

Creates the state board of land commissioners (state board) investment and

development fund (fund). Transfers the first one million dollars of proceeds for each of the next 5 state fiscal years from royalties and other payments for the depletion or extraction of natural resources on public school lands to the fund. Specifies that the moneys in the fund and interest earned on moneys in the fund remain in the fund at the end of each fiscal year and not revert to the permanent school fund.

Provides that moneys in the fund are continuously appropriated to the state board to provide for the development of additional value-added benefit for the state's trust lands, including the rezoning, platting, master planning, or other development activities that increase the value of or rate of return from the lands. Requires the state board to provide information on the portfolio enhancement and additional income generated as a result of its activities to the joint budget committee and the house of representatives and senate education committees each year. Exempts contract expenditures from the fund from the "Procurement Code".

APPROVED by Governor May 24, 2005

EFFECTIVE May 24, 2005

S.B. 05-210 Controlled maintenance trust fund - transfers - appropriation. Requires the state treasurer and the controller to transfer \$55,000,000 from the state general fund to the controlled maintenance trust fund on June 30, 2005. Appropriates \$130,627,801 from the state general fund to the controlled maintenance trust fund for the 2004-05 fiscal year.

Requires the state treasurer and the controller to transfer \$185,627,801 from the controlled maintenance trust fund to the state general fund on June 1, 2006.

APPROVED by Governor June 2, 2005

EFFECTIVE June 2, 2005

S.B. 05-223 Consolidated communications network authority - creation - statewide digital trunked radio network. Creates the consolidated communications network authority (authority). Defines the membership of the authority as the following entities that use the statewide digital trunked radio network (network) as their primary means of wireless voice communication:

- Law enforcement agencies and fire departments;
- School districts and schools;
- Agencies of a city, county, city and county, special district, or other political subdivision of the state;
- Licensed ambulance or emergency medical service using the network for dispatching 9-1-1 or emergency calls or for communicating with licensed hospitals or trauma centers;
- Agencies of an Indian tribe;
- Agencies of the state or federal government; and
- Persons or entities eligible to hold an authorization in the public safety radio pool pursuant to rules of the federal communications commission.

States that the authority is subject to the "Colorado Governmental Immunity Act" and the open meetings and open records laws. States that the authority is not

subject to the requirements of the "Colorado Local Government Audit Law"; except that the state auditor may order the authority to have its financial statements audited.

Defines the purposes of the authority as:

- To solicit and receive grants and other moneys to expand, upgrade, and operate the network; except that such moneys may be used on the portion of the network owned by the state only by agreement with the executive director of the department of personnel;
- To represent its members in matters concerning technology, rules, spectrum allocations, and radio frequency licensing; and
- To advise the executive director of the department of personnel on the development and operation of the statewide digital trunked radio network.

States that the board of directors of the authority shall consist of 3 directors from each all-hazards emergency management region in the state. Requires that, to the extent possible, the directors from each region shall include a representative of a law enforcement agency, a representative of a fire department or emergency medical service agency, and a representative of another member of the network. Directs the members of the authority in each region to elect the region's 3 directors at each annual meeting of the authority. Authorizes the executive director of the department of personnel to appoint a director.

Creates the consolidated communications fund to hold moneys received by the authority. Authorizes the authority to invest or deposit moneys in the fund.

Exempts the income and property of the authority from all state and local taxes and assessments.

VETOED by Governor June 8, 2005

S.B. 05-226 Arkansas river litigation - payment of moneys to the state of Kansas - appropriation. Creates the *Kansas v. Colorado* plaintiff's damages payment fund (damages payment fund) in the state treasury. Directs the state treasurer to deduct, as soon as practicable on or after April 28, 2005, the following amounts from the following funds and to transfer such sums to the damages payment fund:

- \$15,500,000 from the perpetual base account of the severance tax trust fund;
- \$15,500,000 from the operational account of the severance tax trust fund; and
- \$3,796,129 from the local government severance tax fund.

Specifies that the moneys in the damages payment fund shall be appropriated to the department of law for the purpose of paying the damage award due to the state of Kansas pursuant to the *Kansas v. Colorado* litigation.

Creates the *Kansas v. Colorado* plaintiff's legal costs fund (legal costs fund) in the state treasury. Directs the state treasurer to deduct, on July 1, 2005, \$4,000,000 from the operational account of the severance tax trust fund and to

transfer such sum to the legal costs fund. States that the moneys in the legal costs fund shall be continuously appropriated to the department of law for the purpose of paying the plaintiff's legal costs associated with the *Kansas v. Colorado* litigation. Authorizes the department to expend up to \$4,000,000 from the fund, and requires the joint budget committee to provide to the state controller written approval of the amount of the plaintiff's legal costs for which the state is liable before the department expends any moneys from the legal costs fund.

Creates an exception to the provisions of House Bill 05-1001 that restrict the transfer of moneys from cash funds in the event that House Bill 05-1001 is enacted and becomes law.

Appropriates \$34,796,129 to the department of law to make the plaintiff's damage award payments authorized by the act.

APPROVED by Governor April 28, 2005

EFFECTIVE April 28, 2005

NOTE: House Bill 05-1001 was vetoed by the Governor May 27, 2005.

S.B. 05-229 Office of state planning and budgeting - due date for submission of agency requests. Specifies that the office of state planning and budgeting shall ensure submission to the joint budget committee of the general assembly all agency requests for fiscal year 2006-07 by November 15, 2005.

APPROVED by Governor June 1, 2005

EFFECTIVE June 1, 2005

S.B. 05-240 Department of military and veterans affairs - land transfer - western slope military veterans' cemetery - national guard training facilities. Requests the state board of land commissioners and the department of human services to transfer, without compensation, the appropriate western slope military veterans' cemetery property rights to the department of military and veterans affairs within a specified period.

Requests the state board of land commissioners and the department of human services to transfer, without compensation, the appropriate property rights to approximately 35 acres of land adjacent to, but not including, the western slope military veterans' cemetery to the department of military and veterans affairs, within a specified period, for national guard facilities to provide an area for national guard training and maintenance. Establishes that any use of this property as guard facilities is for a public purpose expressly authorized by the general assembly.

If the 35 acres is transferred, directs the department of military and veterans affairs to prepare, develop, construct, and maintain guard facilities on the transferred land. Allows the department to promulgate rules and enter into contracts or agreements for this purpose. Directs the adjutant general to determine the amount of appropriation necessary for this purpose and to submit a request as part of the department's annual budget request to the joint budget committee by November 1, 2007.

APPROVED by Governor June 2, 2005

EFFECTIVE June 2, 2005

S.B. 05-244 Interstate compacts - model legislation - telemedicine - portability of licenses of health professionals. Allows the health care task force created by Senate Bill 05-227 to study increased access to health care through the use of appropriate communication technologies, including the use of telemedicine.

Authorizes the executive director of the department of regulatory agencies, together with the state board of medical examiners and the state board of nursing, and in consultation with other state agencies, to negotiate one or more interstate compacts to endorse model legislation to facilitate the efficient distribution of health care services across state lines and the delivery of health care services via telemedicine.

APPROVED by Governor May 26, 2005

EFFECTIVE July 1, 2005

S.B. 05-249 Tobacco settlement moneys - allocation to read-to-achieve program - appropriations - adjustments to 2004-05 and 2005-06 general appropriation acts. For the 2004-05 fiscal year, increases the allocation of tobacco settlement moneys to the read-to-achieve program from 5% to 19%, but not more than \$19 million. Adjusts the appropriation for the read-to-achieve program in the 2004-05 general appropriation act, as amended by the 2005-06 general appropriation act, to reflect the change in the allocation. Adjusts appropriations in the 2005-06 general appropriation act to reflect changes, due to the change in allocation, in the amounts withheld from all programs that receive tobacco settlement moneys to fund the annual audit of said program.

APPROVED by Governor June 1, 2005

EFFECTIVE June 1, 2005

H.B. 05-1001 Charges credited to cash funds - limits on use. Defines a "charge" as a tax, fee, assessment, fine, penalty, or toll that is credited to a cash fund and is imposed by the state to generate revenue to fund one or more specific programs, purposes, or services and not to fund unspecified general governmental purposes. Defines a "cash fund" as any fund, other than the state general fund or any federal fund, established by law or the state constitution to fund one or more specific programs, purposes, or services.

Specifies that on or after July 1, 2005, moneys derived from a charge:

- May only be transferred to the general fund of the state for a purpose for which transfers to the general fund were statutorily authorized at the time the charge was credited to the cash fund or for the purpose of defraying the indirect administrative costs associated with a specific program, a specific purpose, or a specific service for which the state imposed the charge; and
- Shall only be appropriated for purposes that are related to the operation or administration of a specific program, achievement of a specific purpose, or provision of a specific service for which the state imposed the charge or that were statutorily authorized purposes for which moneys credited to the cash fund could be spent at the time the

- charge was credited to the cash fund; but
May be designated by the general assembly, along with any other moneys in a cash fund, as all or a portion of the constitutionally mandated 3% reserve and may expend the moneys designated as authorized by the constitutional provisions and laws that govern the use of the reserve.

Requires full reimbursement of any cash fund from which moneys designated as all or a portion of the reserve are expended during any state fiscal year on or before the last day of the next state fiscal year. Specifies that a charge shall not exceed the amount estimated to be necessary to defray the costs of operating or administering the specific program, achieving the specific purpose, or providing the specific service for which the state imposed the charge and to provide for a reasonable reserve as defined by law.

VETOED by Governor May 27, 2005

H.B. 05-1044 Unclaimed property - offset of claims against obligations - outstanding court fines, fees, costs, surcharges, and restitution - child support obligations - delinquent taxes - appropriation. Directs the state treasurer to offset outstanding court fines, fees, costs, or surcharges and restitution against claims for unclaimed property exceeding \$600. Authorizes the judicial department and the state treasurer to enter into a memorandum of understanding for this purpose.

Directs the state treasurer to offset child support obligations against claims for unclaimed property exceeding \$600. Authorizes the department of human services and the state treasurer to enter into a memorandum of understanding for this purpose.

Directs the department of revenue to provide specified information to the state treasurer regarding persons who owe delinquent state taxes, penalties, or interest. If a person claiming unclaimed property owes delinquent state taxes, penalties, or interest, directs the state treasurer to suspend payment of a claim exceeding \$600 until the offset is made.

Specifies the priority of the offsets when a person claiming unclaimed property has multiple obligations subject to offset.

Requires a person filing a claim for unclaimed property to submit the person's social security number or federal employer identification number to the state treasurer. States that this number shall not become a public record.

For the fiscal year beginning July 1, 2005, appropriates \$15,286 and 0.5 FTE from the unclaimed property fund to the department of treasury, for allocation to the unclaimed property program, for the implementation of the act.

APPROVED by Governor June 1, 2005

EFFECTIVE August 8, 2005

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 05-1063 Colorado land use commission - repeal. Repeals statutory provisions establishing the Colorado land use commission.

APPROVED by Governor June 1, 2005

EFFECTIVE June 1, 2005

H.B. 05-1076 Peace officers standards and training - certification of officers. Modifies the definitions of "peace officer" and "reserve peace officer" to exclude any person who has been convicted of a felony, convicted of certain misdemeanors on or after July 1, 2001, or released or discharged from the armed forces of the United States under dishonorable conditions.

Authorizes the peace officers standards and training (P.O.S.T.) board to approve ongoing peace officer training programs. Eliminates the P.O.S.T. board's authority to accept a course of study as training for basic peace officer certification.

Authorizes the P.O.S.T. board to grant conditional peace officer authority to any person who successfully completes the required training program. Specifies that a person who has conditional peace officer authority is qualified to serve as a peace officer with any Colorado law enforcement agency. States that conditional peace officer authority is valid for one year and that the authority may be extended or renewed under certain conditions. Authorizes the P.O.S.T. board to issue basic peace officer certification to any person who has conditional peace officer authority and who has been employed for at least one year as a peace officer by a law enforcement agency.

Directs the P.O.S.T. board to promulgate rules regarding the procedure to grant variances to the requirements of peace officer certification.

APPROVED by Governor April 5, 2005

EFFECTIVE August 8, 2005

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 05-1098 Colorado tourism office - increase of legislative board members - appointment process. Increases the number of legislative members on the board of directors of the Colorado tourism office from 13 to 15, and establishes a bipartisan appointment procedure.

APPROVED by Governor March 2, 2005

EFFECTIVE March 2, 2005

H.B. 05-1146 Office of economic development - motion picture industry - incentives to work in Colorado. Requires the Colorado office of economic development, or a designee of the director of the office, to serve as the initial contact for any production company engaged in film production activities in the state. States that the office, or a designee of the director of the office, shall aid production companies in procuring required permits, coordinating necessary state resources, scheduling the use of state highways or other state-owned property, and ensuring that any fees imposed by any department, division, or entity of state government are

waived for the production company and shall otherwise assist a production company in filming all or a portion of a film in the state.

Waives all permitting fees imposed by the state for any production company that is engaged in film production activities in the state.

Allows the director of the Colorado office of economic development to designate a person, a public or private entity, or a venture between public and private entities to be responsible for serving as the initial contact for production companies engaged in film production activities in the state and for fulfilling the duties related to serving as such contact.

APPROVED by Governor June 1, 2005

EFFECTIVE June 1, 2005

H.B. 05-1194 Retention of excess state revenues - general fund exempt account - excess state revenues legislative report. Refers to the registered electors of the state at the November 2005 election a measure that would authorize the state to retain and spend moneys in excess of the constitutional limitation on state fiscal year spending as follows:

- For the 2005-06 fiscal year through 2009-10 fiscal year, authorizes the state to retain and spend all state revenues in excess of the limitation on state fiscal year spending; and
- For the fiscal year 2010-11 and each succeeding year, authorizes the state to retain and spend all state revenues in excess of the limitation on state fiscal year spending, but less than the excess state revenues cap for the given fiscal year.

Within the state general fund, establishes the general fund exempt account, which consists of an amount of moneys equal to the amount of state revenues in excess of the limitation on state fiscal year spending that the state retains for a given fiscal year. Establishes that moneys in the account shall be appropriated or transferred for the following purposes:

- To fund health care;
- To fund education, including any capital construction projects related thereto;
- To fund retirement plans for firefighters and police officers, so long as the general assembly determines that such funding is necessary; and
- To pay for strategic transportation projects included in the department of transportation's strategic transportation project investment program.

Clarifies that the statutory limitation on general fund appropriations, and the exceptions or exclusions thereto, shall apply to the moneys in the general fund exempt account.

Defines "education", "excess state revenues cap", and "state revenues".

Requires the director of research of the legislative council to prepare an excess state revenues legislative report that includes the amount of excess state

revenues that the state retained and a description of how the excess state revenues were expended.

REFERRED MEASURE November 2005

NOTE: This act will be submitted to a vote of the people at the November 2005 odd-year election.

H.B. 05-1205 Office of economic development - motion picture and television advisory commission. Repeals the motion picture and television advisory commission in the Colorado office of economic development.

APPROVED by Governor April 7, 2005

EFFECTIVE August 8, 2005

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 05-1231 State employees - defined contribution retirement plans - eligibility - administration. For the purpose of determining which state employees are eligible to be members of the defined contribution retirement plan created by the public employees' retirement association (PERA), clarifies that an "eligible employee" is an employee of the state, the general assembly, the office of a district attorney in a judicial district, and any state department. Specifies that "eligible employee" does not include a retiree of PERA or a retiree of PERA who has suspended benefits.

Eliminates the provisions that allow members of PERA's defined contribution plan or members of the public officials' and employees' defined contribution plan created by the state deferred compensation committee (committee's defined contribution plan) to be eligible to continue such membership upon commencing employment in a different state position for which PERA's defined contribution plan or the committee's defined contribution plan is not available.

Specifies that an employee who begins employment with an employer on or after January 1, 2006, and who was a member of PERA's defined contribution or defined benefit plan or the committee's defined contribution plan at any time during the prior 12 months shall automatically continue to be a member of such plan upon commencing employment.

For the purpose of determining which state employees are eligible to participate in the committee's defined contribution plan, clarifies that "eligible employee" includes an employee who has been a member of the committee's defined contribution plan during the 12 months prior to the date that the employee commences employment, but does not include a retiree of PERA or a retiree of PERA who has suspended benefits.

Allows the state deferred compensation committee to retain professional advisors and independent consultants or experts to advise it regarding the proper discharge of the committee's fiduciary duty.

States that upon termination of employment by which an employee is eligible

to participate in the committee's defined contribution plan, the participant's accrued benefit under the plan shall remain fully vested and the participant may rollover, request distribution, transfer, or retain his or her balance in the plan.

APPROVED by Governor April 7, 2005

EFFECTIVE April 7, 2005

H.B. 05-1241 Division of housing - pilot program - requirement that newly constructed housing units making use of funds from division satisfy minimum standards of visitability for persons with disabilities. Creates a pilot program to require that certain newly constructed dwelling units making use of funding obtained from the division of housing (division) within the department of local affairs meet minimum standards of visitability for persons with disabilities. In connection with any funding provided by the division for the construction of adequate housing in the state, on or after January 1, 2006, but prior to January 1, 2009, requires the division to require the recipient of the funding, as a condition of accepting the funding, to construct the housing in conformity with minimum standards of visitability. Specifies that only the construction of single family residential dwelling units shall be subject to the requirements of the pilot program, and no more than 150 residential dwelling units shall be constructed under the pilot program.

Specifies minimum standards of visitability.

Requires the inspection of any dwelling units constructed in accordance with the requirements of the act for compliance with any county or municipal building code to be performed by the county or municipal building inspector, as applicable. In the case of a county or municipality that either has not established a building department nor adopted a building code, requires the division to perform the inspection, procure the services of a private party capable of performing the inspection, or arrange for the inspection to be performed by the building inspector of a neighboring county or municipality that is able to reasonably perform the inspection.

Requires the division to review the operation of the pilot program and submit a report on or before October 1, 2009, to the joint budget committee and the local government committees of the senate and house of representatives of the general assembly. Requires the report to include, at a minimum, information on the outcomes concerning the availability of housing satisfying minimum standards of visitability achieved by creation of the pilot program.

In connection with any dwelling unit approved for funding pursuant to the pilot program, requires the division to notify the program director of the state electrical board, the examining board of plumbers, and the governing body of each local government with a unit located within its territorial boundaries of the legal or street address of the unit. Requires the notice to be provided no later than 10 days from the date the division provides funding.

Terminates the pilot program, effective July 1, 2010.

VETOED by Governor May 31, 2005

H.B. 05-1286 Telecommunications revolving fund - user charges on public safety radio systems. Eliminates the automatic repeal of the department of personnel's authority to deposit user charges of public safety radio systems into the telecommunications revolving fund.

Specifies that no municipality, county, city and county, or special district shall be charged user charges on public safety radio systems of a state agency or other state entity.

APPROVED by Governor May 27, 2005

EFFECTIVE August 8, 2005

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 05-1307 Agricultural products preference - state government purchasing - contracts awarded to resident bidders. Allows a governmental body to purchase agricultural products produced in the state if the quoted price reasonably exceeds the lowest bid or price quoted for products produced outside the state.

Requires a governmental body to report to the joint budget committee of the general assembly any cost increase associated with the purchase of agricultural products produced in the state.

Applies the preference for agricultural products produced in the state to contracts governed by the "Procurement Code".

APPROVED by Governor June 7, 2005

EFFECTIVE August 8, 2005

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 05-1309 Institute for forensic psychiatry - Colorado mental health institute at Pueblo - lease agreement - construction - controlled maintenance. Authorizes the executive director of the department of human services (executive director) to enter into a lease agreement with a private party to occupy and operate an institute for forensic psychiatry and auxiliary facilities at the Colorado mental health institute at Pueblo. States that payments under such a lease agreement shall be subject to annual appropriation by the general assembly and shall not create an indebtedness of the state.

Authorizes the executive director to lease land and improvements to the lessor of the institute for forensic psychiatry for the construction of that institute and its auxiliary facilities. States that the institute for forensic psychiatry may be built on land leased to the lessor by the state or on land owned by the lessor.

States that the institute for forensic psychiatry and its auxiliary facilities shall be constructed according to design standards and specifications approved by the executive director and the facility program plan approved by the capital development committee of the general assembly. Directs the executive director to establish

minimum qualifications for the lessor of the institute. Requires the lessor to be an entity whose sole business is owning properties that are leased to or otherwise used by governmental entities. States that the vendor shall be selected pursuant to the "Procurement Code".

Exempts the property occupied by the institute for forensic psychiatry and its auxiliary facilities from taxation so long as it is used for public purposes by the department of human services.

States that controlled maintenance funds may be used for secure facilities and related auxiliary facilities leased or rented and operated by the department of human services or the department of corrections.

BECAME LAW June 9, 2005

EFFECTIVE June 9, 2005

H.B. 05-1310 Refund of revenues in excess of state fiscal year spending limit - over-refunds - under-refunds - records and disclosures. Defines the term "over-refund". Provides for the carryforward of any over-refunds made in the 2001-02 fiscal year or in fiscal years thereafter that have not been used to reduce the amount of state revenues in excess of the state fiscal year spending limit for the fiscal year in which such over-refunds are made.

For the 2004-05 fiscal year and fiscal years thereafter, requires the controller to:

- Calculate fiscal year spending for the fiscal year without reducing fiscal year spending for over-refunds and carried-forward over-refunds; and
- Reduce the amount of state revenues in excess of the state fiscal year spending limit for the fiscal year and carried-forward under-refunds by the amount of over-refunds and carried-forward over-refunds, but limit the amount of the reduction to the amount of state excess revenues for the fiscal year.

States that such calculations and reductions made by the controller shall be subject to review by the state auditor.

Relocates, with amendments, the current provision governing the under-refunding of state revenues in excess of the limitation on state fiscal year spending. Commencing with the 2004-05 fiscal year, requires any under-refunds to be carried forward and added to any previously carried forward under-refunds to be refunded with subsequent fiscal years' state revenues in excess of the limitation on state fiscal year spending that are required to be refunded.

Imposes certain record-keeping and reporting requirements in regard to any over-refunds made or any under-refunds occurring in the 2004-05 fiscal year and in fiscal years thereafter.

APPROVED by Governor April 5, 2005

EFFECTIVE April 5, 2005

H.B. 05-1330 Sale and lease-purchase of eligible state facilities - fiscal year 2005-06. Permits the governor to direct the executive director of the department of personnel (executive director) to attempt to sell a legal interest in one or more eligible state facilities if, for the fiscal year 2005-06 only, the revenue estimate prepared by the office of state planning and budgeting in June, September, or December of 2005 indicates that general fund expenditures for such fiscal year, based on appropriations then in effect, will result in the use of one-half or more of the statutory general fund reserve. Authorizes the executive director to sell a legal interest in one or more eligible state facilities in order that the net proceeds from such sale may be used for general fund expenditures and retained as part of the statutory general fund reserve for the fiscal year 2005-06. Prohibits the sale of a legal interest in an eligible state facility unless:

- The governor directs the executive director to attempt such sale;
- The state would receive the proceeds from such sale prior to June 30, 2006; and
- Simultaneous with the execution of the sale, the state leases back the same facility pursuant to a lease-purchase agreement.

Requires the director of the office of state planning and budgeting to approve any property sale agreement or lease-purchase agreement. Establishes who may purchase a legal interest in an eligible state facility. Requires the executive director to consult with the chairperson of the board of regents of the university of Colorado, or the chairperson's designee, prior to selling a legal interest in an eligible state facility that is owned by the university of Colorado.

Authorizes the executive director to execute a lease-purchase agreement for up to 30 years, subject to annual renewal, for a legal interest in a property that the executive director has sold pursuant to the statutory authority established in the act. Establishes that the sole security for a lease-purchase agreement is the property that is the subject of such agreement. Permits lease payments to be made from the general fund or any other legally available source.

Requires that a lease-purchase agreement specifically authorize the state to receive fee title to all real property that is the subject of the lease-purchase agreement on or prior to the expiration of the lease-purchase agreement. Permits a lease-purchase agreement to provide for the issuance, distribution, and sale of instruments by the lessor evidencing rights to receive rentals and other payments made and to be made under the lease-purchase agreement, but that such issuance, distribution, or sale shall not create a relationship between the purchasers of such instruments and the state or create any obligation on the part of the state to said purchasers.

APPROVED by Governor June 3, 2005

EFFECTIVE June 3, 2005

H.B. 05-1331 Division of housing - powers in connection with affordable housing - membership, powers, and duties of state housing board - authority of division to make grants from home investment fund. Expands the existing powers of the state division of housing (division) by authorizing the division to purchase and then temporarily hold real property for the purpose of preserving the property as affordable and to transfer title to the property to a local housing authority or a

private nonprofit corporation.

Increases the membership of the state housing board (board) by 2 new members. In connection with the appointment of members of the board from congressional districts made on or after August 8, 2005, requires the members to be appointed in such manner that one member is the owner of residential rental property and one additional member is a real estate professional. Specifies that one member who is not appointed from a congressional district shall represent Colorado residents with low incomes. Specifies how such requirement is to be satisfied. Specifies that one additional member who is not appointed from a congressional district shall be a resident of a rural area. Specifies requirements pertaining to the initial appointment of these board members and for vacancies affecting such members.

Expands the existing powers of the board by authorizing the board to conduct public hearings and assess affordable housing needs in order to prepare an annual allocation plan for moneys made available from the home investment fund (fund) in accordance with the requirements of the act.

Expands the types of moneys the division is required to pay into the fund to include any moneys made available from any public or private source. Expands the permitted uses of moneys in the fund to allow the division to make grants, and specifies that any loans or grants shall be made in accordance with an annual allocation plan that is to be prepared by the board after it has conducted any public hearings and assessed affordable housing needs.

Expands the entities to which loans from the fund may be awarded to include local governments or special districts formed by a local government, and expands the type of costs that may be funded from a loan to include predevelopment costs.

Upon the approval of the board following the preparation by the board of an annual allocation plan, authorizes the division to make grants from moneys in the fund to any local housing authority, public nonprofit corporation, private nonprofit corporation, local government, or a special district formed by a local government for predevelopment, development, or redevelopment costs incurred prior to the completion or occupancy of low- or moderate-income housing or for the rehabilitation of such housing. Prohibits the division from making any grants from the fund unless and until new public moneys have been contributed to the fund and the Colorado blue ribbon panel on housing has released a final report or recommendations.

In connection with grants and loans from the fund to a local housing authority, authorizes such authority to contract with a private for-profit or nonprofit corporation to undertake any activity that the authority is authorized to undertake in accordance with the requirements of the act.

VETOED by Governor June 1, 2005

H.B. 05-1333 Critical needs financing corporation - creation - composition of board - general powers and duties - authority to issue critical needs notes. Creates the critical needs financing corporation (corporation) as an independent public body politic and corporate. Specifies that the governing body of the corporation is a

board consisting of the director of the office of state planning and budgeting, the state controller, the state treasurer, a member of the joint budget committee of the general assembly selected by the members of the committee, and the chair of the capital development committee of the general assembly. Allows a board member to designate an official or employee of the member's agency or committee to represent the member on the board. Allows board members reimbursement for actual expenses but no other compensation. Specifies the general powers and duties of the corporation.

Contingent upon the approval by the voters of the state of House Bill 05-1194, which if approved will allow the state to retain and spend excess state revenues, at the November 2005 statewide election, authorizes the issuance of critical needs notes (notes) approved by voters of the state voting on a ballot issue submitted as required by a joint resolution of the general assembly at a statewide election for the purposes, under the terms, and up to the maximum amounts approved by the voters by the department of transportation (department) for transportation purposes and by the corporation for other purposes. Specifies that if such a voter-approved ballot issue authorizes the crediting of note proceeds to the fire and police members' benefit fund, the state contribution to the fund required by current law shall be satisfied to the extent of the actuarial equivalency of the proceeds from the notes. Under specified conditions, allows the general assembly to act by joint resolution to limit the scheduled annual payments of principal and interest on notes issued after the date of passage of the joint resolution and to remove or modify the limit by passage of a subsequent joint resolution.

Creates the critical needs fund (fund), authorizes the general assembly to make annual appropriations that are exempt from the statutory limitation on state general fund appropriations from the state general fund and from other legally available sources to the fund, and authorizes the use of the fund to pay the principal, interest, and necessary costs of notes and to pay for strategic transportation projects. Specifies that the repayment of notes and the deposit of moneys to the fund are subject to annual appropriation by the general assembly, and requires notes and associated contracts to state that they do not create any constitutional or statutory indebtedness of the state.

Requires the corporation and the department to annually report to the joint budget committee and legislative audit committee of the general assembly specified information regarding notes, the fund, and the distribution of note proceeds and moneys in the fund.

APPROVED by Governor June 1, 2005

EFFECTIVE June 1, 2005

H.B. 05-1339 State personnel system - personnel board - hearings - procedures. Retains but relocates the provision of law specifying that the state personnel board (board) may authorize administrative law judges to conduct hearings for the board.

Regarding petitions to the board for review of the appointing authority's decision concerning an employee's grievance, specifies that the provision requiring the board to grant or deny the petition within 90 days of receipt of the petition does not apply to petitions that are filed with the board that result in an investigation regarding discrimination of the employee or retaliation against the employee for

disclosure of information.

Specifies that a certified employee who has been disciplined by an appointing authority shall be notified in writing by certified letter or hand delivery of the action taken, the specific charges giving rise to such action, and the employee's right of appeal to the board. Specifies that the notice shall include information about certain requirements for filing an appeal with the board. Clarifies that the board shall hold a hearing within 90 days after the receipt of an employee's appeal.

APPROVED by Governor May 27, 2005

EFFECTIVE May 27, 2005

H.B. 05-1340 Colorado state building renovation fund - continuous appropriation. Requires that the moneys in the Colorado state capitol building renovation fund be continuously appropriated to the department of personnel for expenditures recommended by the state capitol building advisory committee and approved by the capital development and joint budget committees of the general assembly. Specifies that all unencumbered moneys in the fund at the end of any fiscal year shall remain in the fund and not revert to the state general fund.

APPROVED by Governor May 27, 2005

EFFECTIVE May 27, 2005

H.B. 05-1341 Capital construction - leases - approvals. Subject to the approval of the office of state planning and budgeting or the Colorado commission on higher education and the capital development committee and the joint budget committee, authorizes state departments and agencies and institutions of higher education to enter into lease agreements for up to 30 years for capital development projects. Specifies required and optional terms of a lease. Excludes a lease from the requirement for an independent appraisal, and allows the state controller to waive certain fiscal rules.

APPROVED by Governor June 3, 2005

EFFECTIVE June 3, 2005

H.B. 05-1349 Controlled maintenance trust fund - interest earned - Colorado indigent care program - appropriation. Transfers on February 1, 2006, \$3,144,162 from the interest earned on the principal of the controlled maintenance trust fund (trust fund) to the general fund to fund safety net provider payments for private hospitals under the Colorado indigent care program in fiscal year 2005-06.

Specifies that if there is insufficient interest accrued on the principal of the trust fund on February 1, 2006, the available interest shall be transferred to the general fund to fund safety net provider payments and the remainder due shall be transferred as it accrues.

Appropriates \$6,288,324 to the department of health care policy and financing, indigent care program, safety net provider payments. Specifies that of the total appropriated, \$3,144,162 shall be from the general fund and \$3,144,162 shall

be from federal funds.

Makes the act contingent upon the passage of Senate Bill 05-210.

APPROVED by Governor June 2, 2005

EFFECTIVE June 2, 2005

NOTE: Senate Bill 05-210 was signed by the governor June 2, 2005.

H.B. 05-1350 General fund exempt account - appropriations to critical needs fund - specification of uses for health care and education. Specifies that moneys in the general fund exempt account (account), the amount of which shall be equal to the amount of revenue that the state is authorized to retain and spend if the voters approve referendum "C", concerning the retention of excess state revenues to fund budgetary needs, shall be appropriated or transferred in the following manner:

- A specified amount may be appropriated from the account to the critical needs fund, if referendum "D", concerning financing to address critical state needs, is approved by the voters in the state, or be appropriated or transferred as currently required by statute.
- Requires any other moneys in the account to be split equally for funding for health care, funding for preschool through 12th grade education, and funding for students attending community colleges and other institutions of higher education.

Establishes the types of uses that qualify as funding for health care, funding for preschool through 12th grade education, and funding for students attending community colleges and other institutions of higher education.

Makes the act contingent on the passage of House Bill 05-1194 and its approval by the voters.

APPROVED by Governor June 6, 2005

EFFECTIVE See note below

NOTE: House Bill 05-1194 was passed by the general assembly and will appear on the ballot at the November 2005 odd-year election. If approved, it will become effective upon proclamation of the governor, which will occur in either December of 2005 or January of 2006.

HEALTH AND ENVIRONMENT

S.B. 05-55 Raw milk. Allows a consumer with an ownership interest in the cow, goat, or herd providing the milk to obtain raw milk from the farmer or dairyperson.

Requires that the raw milk be identified when delivered to the consumer or that a label be affixed to the milk container. Requires a farm or dairy to provide the consumer with a description of the standards used by the farm or dairy with respect to herd health.

Requires that a farm or dairy that produces raw milk register with the Colorado department of agriculture.

APPROVED by Governor April 22, 2005

EFFECTIVE April 22, 2005

S.B. 05-87 Immunizations - notice to parent or legal guardian - reports to tracking system - general assembly review - reminder and recall process. Authorizes the department of public health and environment ("department") or the department's contractor to directly contact a parent or legal guardian for the purpose of notifying the parent or legal guardian if immunizations are due or overdue as indicated by the advisory committee on immunization practices of the United States department of health and human services or the American academy of pediatrics. Requires the department or the department's contractor to contact the parent or legal guardian if it is necessary to control an outbreak of or prevent the spread of a vaccine-preventable disease. Specifies that any notice given to a parent or legal guardian shall also inform the parent or legal guardian of the option to refuse an immunization on the grounds of medical, religious, or personal belief considerations.

On or before February 1, 2010, requires the health and human services committees of the senate and the house of representatives to review the state's implementation of notification provisions to determine if the utilization of the immunization tracking system has had a substantial impact on the state's immunization ranking.

Specifies that neither refusing an immunization on the grounds of medical, religious, or personal belief considerations nor opting to exclude immunization notification information from the immunization tracking system shall, by itself, constitute child abuse or neglect by a parent or legal guardian.

Authorizes specified licensed medical practitioners, licensed nurses, county, district, and regional health departments, hospitals, officers of private practitioners, and providers of public health nursing services to report immunization information to the immunization tracking system and to use a reminder and recall process.

APPROVED by Governor April 29, 2005

EFFECTIVE April 29, 2005

S.B. 05-144 Air quality - continuation of compliance advisory panel under sunset law. Extends the automatic termination of the compliance advisory panel to July 1, 2015, pursuant to the provisions of the sunset law.

APPROVED by Governor April 5, 2005

EFFECTIVE April 5, 2005

S.B. 05-150 Continuation of advisory committee on hearing in newborn infants under sunset law. Continues the advisory committee on hearing in newborn infants in the department of public health and environment until July 1, 2013. States the general assembly's intent that newborn hearing screenings be conducted on at least 95% of infants born in Colorado hospitals. Repeals obsolete provisions that required the advisory committee to report information regarding the prevalence of the administration of hearing screenings on newborn infants by December 1, 1998.

APPROVED by Governor April 14, 2005

EFFECTIVE July 1, 2005

S.B. 05-165 Cancer drug repository program - liability. Establishes the Colorado cancer drug repository program ("program") in the department of public health and environment for the purpose of allowing a cancer patient or the patient's family to donate unused cancer drugs and medical devices to uninsured and underinsured cancer patients in the state of Colorado.

Allows a cancer patient or the patient's family to donate unused cancer drugs or medical devices to a health care facility, medical clinic, or pharmacy that elects to participate in the program. Authorizes a health care facility, medical clinic, or pharmacy that receives a donated cancer drug or medical device under the program to distribute the cancer drug to another eligible health care facility, medical clinic, or pharmacy for use under the program. Allows a pharmacist to accept and dispense cancer drugs and medical devices donated under the program to eligible patients if specified requirements are met. Specifies that a cancer drug or medical device donated under the program may not be resold. Requires the state board of health to promulgate rules for the program and specifies the minimum that the rules shall include. Specifies that the provisions of the program do not create or abrogate any liability on behalf of a prescription drug manufacturer or create any civil cause of action against a prescription drug manufacturer, in addition to that which is available under applicable law.

APPROVED by Governor April 14, 2005

EFFECTIVE August 8, 2005

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 05-217 Property contamination - illegal drug laboratory. Gives the owner of personal property within a contaminated structure or vehicle 10 days to claim the personal property. If the personal property owner fails to do so, authorizes the owner of the structure or vehicle where the personal property is located to dispose of the personal property during cleanup. Requires the owner of a contaminated structure or vehicle to control access to such structure, vehicle, and any

contaminated personal property.

Authorizes local governing bodies to enforce state cleanup requirements.

BECAME LAW June 9, 2005

EFFECTIVE June 9, 2005

S.B. 05-231 Emergency medical technicians - misconduct - investigations. Authorizes the department of public health and environment (department) to administer oaths, take affirmations of witnesses, and issue subpoenas to investigate alleged misconduct of certified emergency medical technicians (EMTs). Authorizes the department to seek a court order compelling the production of evidence.

Requires an EMT and an employer or medical director of an EMT to report the misconduct of any EMT. Grants immunity to a person who provides evidence, consults with the department, or reports misconduct, if the person was acting in good faith and with a reasonable belief of the facts. Requires appropriate confidentiality of medical records and other evidence. Requires evidence and conclusions to remain confidential until an agency decision is made.

APPROVED by Governor June 1, 2005

EFFECTIVE August 8, 2005

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 05-1042 Emergency contraception information - sexual assault survivor. Requires hospitals to adopt protocols to inform a female survivor of a sexual assault of the availability of emergency contraception and to offer to dispense the emergency contraception or refer the survivor to a pharmacy that can dispense the emergency contraception. Exempts a health care professional who objects on religious or moral grounds from the requirement to provide information concerning emergency contraception. Specifies that a hospital shall not be required to provide emergency contraception to a woman who is not at risk of becoming pregnant from the assault or who is already pregnant.

VETOED by Governor April 5, 2005

H.B. 05-1126 Solid waste - motor vehicle tires - commercial haulers - registration - appropriation. Requires commercial waste tire haulers to:

- Transport waste tires only to a waste tire storage site, waste tire landfill site, or a permitted municipal or privately owned solid waste landfill site; and
- Register with the department of public health and environment by January 1, 2006.

Gives the state board of health rule-making authority over such registrations, including record-keeping and reporting requirements, bonding requirements, and program enforcement and oversight.

Appropriates \$21,375 to the department of public health and environment from the waste tire recycling development cash fund for its costs in administering the act, of which amount \$3,694 is allocated to the department of law for the provision of legal services.

APPROVED by Governor June 1, 2005

EFFECTIVE June 1, 2005

H.B. 05-1161 Infant immunization program - immunization fund - uses - appropriation. Authorizes the moneys in the infant immunization fund to be used to assist users of the immunization tracking system to connect to the system and to use the reminder and recall process of the system.

Appropriates \$250,000 to the department of public health and environment for the implementation of the act. Makes implementation of the act contingent upon the passage of and savings realized from House Bill 05-1243 and House Bill 05-1131.

APPROVED by Governor June 3, 2005

EFFECTIVE June 3, 2005

NOTE: House Bills 05-1131 and 05-1243 were signed by the governor June 3, 2005. For more information on the effective date see section 3 of this act.

H.B. 05-1201 Poison control centers - services - requirements. For the purpose of the department of public health and environment contracting with outside entities in order to provide poison control services to the people of Colorado, specifies that poison control services shall be provided by an entity certified by the American association of poison control centers (AAPCC). Includes information regarding the prevention of poisoning in the information disseminated by poison control centers. Requires poison information to be disseminated by persons who meet the criteria established by and are certified by the AAPCC. Requires the supervisors in poison control centers to meet the criteria established by the AAPCC.

APPROVED by Governor April 20, 2005

EFFECTIVE April 20, 2005

H.B. 05-1269 Death certificates - homicide - pregnancy. Requires a certificate of death to identify whether the deceased was pregnant if the death was a homicide.

APPROVED by Governor April 7, 2005

EFFECTIVE July 1, 2005

H.B. 05-1302 Air ambulance services - licensure - accreditation. Requires licensing of fixed-wing and rotor-wing air ambulance services to include accreditation from the commission on accreditation of medical transport systems or a successor organization.

APPROVED by Governor June 3, 2005

EFFECTIVE July 1, 2005

HEALTH CARE POLICY AND FINANCING

S.B. 05-102 Medicaid - multistate prescription drug purchasing pool - preferred drug list - appropriation. Requires the department of health care policy and financing ("department") to apply for the necessary federal authorization to enter into a multistate prescription drug purchasing pool ("purchasing pool") for the benefit of the state's medicaid recipients. Requires the department to contract, through a competitive bidding process, with one or more entities capable of administering a preferred drug list and a supplemental rebate program for purposes of the purchasing pool. Requires the department to have the contract in place on or before February 1, 2006.

Requires the executive director to promulgate rules that establish an evidence-based preferred drug list that meets the federal requirements for allowing the state to enter into a purchasing pool for medicaid recipients unless a bill establishing a preferred drug list is enacted in the first regular session of the 65th general assembly and becomes law. Specifies that a preferred drug list established by rule shall exempt the following from the prior authorization process: Antiretroviral medications for AIDS or HIV; medications for the treatment of biologically based mental illness as defined in section 10-16-104 (5.5), C.R.S.; biologics, including treatments for cancer and cancer-supportive care and dialysis and dialysis-supportive care; all medications, without restriction, for the treatment of mental illness; and medications for the treatment of cardiovascular disease. Requires the executive director to consider the differences in drug metabolism in minority populations when considering which drugs to include on the preferred drug list and which drugs to exempt from the prior authorization process. Allows the department to purchase prescription drugs outside of the purchasing pool agreement if the department is able to at a lower price.

Contingent on House Bill 05-1243 becoming law, appropriates \$307,376 and 1.0 FTE to the department for the implementation of the act. Specifies that of that amount, \$153,688 shall be from the general fund and an equal amount is anticipated to be received in federal matching funds.

VETOED by Governor June 1, 2005

S.B. 05-162 Prescription drugs - dual medicaid and medicare eligibles. If a medicaid recipient is enrolled in a prescription drug benefits plan under medicare, provides that prescribed drugs are not a covered benefit for the recipient unless a prescribed drug is not covered by the medicare prescription drug benefit plan and federal financial participation is available.

APPROVED by Governor April 5, 2005

EFFECTIVE August 8, 2005

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 05-173 Community long-term care services - pilot program - advisory committee. Contingent on the receipt of sufficient gifts, grants, or donations, requires the department of health care policy and financing ("state department") to

convene an advisory committee ("committee") no later than August 15, 2005, to assist in the creation of a community long-term care delivery system. Specifies the members of the committee and the charge of the committee. Contains a reporting requirement for the committee and the state department regarding the committee's recommendations.

Requires the state department to accept proposals for and possibly approve a 3-year coordinated care pilot program ("pilot program") for community long-term care services. Specifies the community and population components of the pilot program. Grants the state department flexibility in determining the reimbursement for acute care providers, long-term care community providers, and class I nursing facilities under specified circumstances. Grants the medical services board rule-making authority for implementation of the act. Authorizes the state department to use savings in the medical services premiums appropriations to fund the pilot program.

APPROVED by Governor April 5, 2005

EFFECTIVE April 5, 2005

S.B. 05-211 Children's basic health plan trust - transfer. Requires the state treasurer and the controller to make a one-time transfer of \$8,100,000 from the children's basic health plan trust to the state general fund.

Makes the act contingent upon the passage of House Bill 05-1262.

APPROVED by Governor April 29, 2005

EFFECTIVE April 29, 2005

NOTE: House Bill 05-1262 was signed by the governor June 2, 2005.

S.B. 05-221 Medicaid and children's basic health plans - HIFA waiver - public meetings - approvals - appropriation. Requires the state department of health care policy and financing ("state department") to prepare and submit to the health and human services ("HHS") committees of the house of representatives and senate a waiver under the federal health insurance flexibility and accountability demonstration program to permit the state to create a new service delivery or purchasing system to better serve specified children and adults under the medical assistance program or the children's basic health plan. Specifies additional information to be included in the waiver or given to the HHS committees.

Requires the joint HHS committees to conduct at least 4 public hearings on the waiver in various areas of the state. If, within 60 days after the submission of the waiver, the HHS committees approve the waiver, allows the joint budget committee ("JBC") to conduct hearings on the waiver. If, within 15 days after the approval of the waiver by the HHS committees, the JBC approves the waiver, requires the state department to submit the waiver to the federal government. If the federal government suggests or requires changes to the waiver, requires the HHS committees and the JBC to approve the amended waiver.

Specifies that, if the waiver is implemented, the state auditor's office shall oversee the evaluation of the waiver. Specifies the requirements of the evaluation.

Appropriates \$20,000 to the general assembly for implementation of the act. Makes the act contingent on House Bill 05-1243 becoming law.

APPROVED by Governor May 26, 2005

EFFECTIVE May 26, 2005

NOTE: House Bill 05-1243 was signed by the governor June 3, 2005. For more information on the effective date see section 4 of this act.

H.B. 05-1015 Medicaid - outpatient substance abuse treatment - state auditor report. Adds outpatient substance abuse treatment as an optional service to the medical services program ("program"). Requires the state auditor, by January 1, 2011, to report to the legislative audit committee on whether the provision of substance abuse treatment services has resulted in an increase or decrease in the overall cost of the program. If, on or before March 31, 2011, the legislative audit committee adopts a resolution finding that the provision of substance abuse treatment resulted in an increase in cost to the program, repeals the provisions adding it to the program, effective July 1, 2011.

APPROVED by Governor May 26, 2005

EFFECTIVE May 26, 2005

H.B. 05-1017 Medicaid - prohibited provider referrals. Restructures the existing statute regarding prohibited provider referrals under the state's medicaid program and makes changes to conform to federal law and regulation. Specifies that if a financial relationship between an entity, which delivers designated health services, and a provider is not prohibited by federal law then the financial relationship is not prohibited under this act. Specifies that a financial relationship or referral for designated health services is not prohibited under this act if the referral would not violate 42 U.S.C. section 1395nn if the designated health services were eligible for payment under medicare rather than the state's medicaid program. Clarifies that an entity that provides designated health services as a result of a prohibited referral is prohibited from billing the department of health care policy and financing for the service.

APPROVED by Governor April 7, 2005

EFFECTIVE April 7, 2005

H.B. 05-1025 Medicaid - presumptive eligibility - pregnant women. Allows a pregnant woman to be presumptively eligible for specified services under the state's medicaid program. Authorizes the department of health care policy and financing ("department") to designate additional medical assistance sites, as necessary, to accept medical assistance applications, to determine medical assistance eligibility, and to determine presumptive eligibility. Requires the department to notify the county in which the additional medical assistance site is located. Requires the department to develop training safeguards to prevent actions taken by staff of medical assistance sites from affecting food and cash assistance eligibility.

APPROVED by Governor April 22, 2005

EFFECTIVE April 22, 2005

H.B. 05-1037 Medical assistance - foster care children - adopted children. Clarifies that children for whom adoption assistance or foster care maintenance payments are made under title IV-E of the "Social Security Act", as amended, are mandated under federal law to receive medical assistance under the state's medicaid program.

Adds children for whom adoption assistance payments are made by the state, but who do not qualify for title IV-E assistance under the "Social Security Act", as amended, to the groups that Colorado has selected as optional groups to receive medical assistance under the state's medicaid program.

APPROVED by Governor March 31, 2005 **EFFECTIVE** March 31, 2005

H.B. 05-1066 Medicaid - obesity treatment program - sunset - appropriation. Contingent upon the receipt of sufficient gifts, grants, or donations, requires the department of health care policy and financing ("department") to develop and implement an obesity treatment program ("program") for the purpose of treating a medicaid recipient ("recipient") who has a body mass index that is equal to or greater than 30 and who has a comorbidity related to the recipient's obesity. Requires the program to be designed to treat recipients through the use of behavioral modification, self-management training, and medication. Authorizes the department to contract on a contingency basis for the development and implementation of the program. Sunsets the program, effective July 1, 2010.

Appropriates \$137,857 and 0.5 FTE to the department to implement the act and specifies that the department is expected to receive an additional \$153,732 in federal funds for the implementation of the act.

APPROVED by Governor May 26, 2005 **EFFECTIVE** July 1, 2005

H.B. 05-1086 Medicaid - medical assistance - legal immigrants - recovery - appropriation. Effective January 1, 2005, reinstates medical assistance eligibility to specific groups of qualified legal immigrants and specifies that these legal immigrants qualify as an optional group to be served under the state's medicaid program. Upon the reinstatement of medical assistance eligibility, repeals the state nursing facility service program.

Specifies that, to the extent allowable under federal law, the department of health care policy and financing ("department") shall recover from a legal immigrant's sponsor all medical assistance paid on behalf of a sponsored legal immigrant who is enrolled in the medical assistance program.

Appropriates moneys from constitutionally required tobacco and cigarette taxes to the department for the implementation of the act.

Provides that the repeal of the state nursing facility service program shall not take effect until the department implements specified provisions of the act.

APPROVED by Governor February 2, 2005 **EFFECTIVE** January 1, 2005

NOTE: As of publication date of this digest, the revisor of statutes had not received

notification from the executive director that the department had implemented the specified provisions necessary to repeal the nursing facility service program.

H.B. 05-1131 Pharmacists - redispensing medication - donation - liability - appropriation. Authorizes a pharmacist to redispense specified medication that is prescribed to a patient or resident of a licensed hospital, hospital unit, nursing care facility, hospice, or assisted living residence ("licensed facility") if the medication was originally dispensed to another patient or resident in a licensed facility and was unused. Authorizes a pharmacist to donate a returned medication to a nonprofit entity that has the legal authority to possess the medication. Specifies that the pharmacist may only redispense or donate specified medication that has remained in its proper packaging and has been stored properly. Provides for the same redispensing authority for a pharmacist participating in the state's medicaid program.

Specifies that nothing in the act shall be construed to create or abrogate any liability on behalf of a prescription drug manufacturer for the storage, donation, acceptance, or dispensing of an unused donated medication or to create any civil cause of action against a prescription drug manufacturer, in addition to that which is available under applicable law. Requires the state board of pharmacy and the medical services board to adopt rules to implement the act.

Reduces the state fiscal year 2005-06 appropriation to the department of health care policy and financing by \$733,970. Specifies that \$366,985 of this amount shall be from federal funds and \$366,985 shall be from the general fund.

APPROVED by Governor June 3, 2005

EFFECTIVE August 8, 2005

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 05-1152 Prescription drugs - Colorado cares Rx - clearinghouse - 340B program - appropriation. Establishes the Colorado cares Rx ("program") in the department of health care policy and financing ("department") to allow an eligible person to purchase prescription drugs at a discounted rate. Defines the eligibility criteria for the program. Requires the department to contract with one or more entities to administer the program and allows the contracted entity to utilize a multistate drug purchasing agreement, negotiate prescription drug prices with prescription drug manufacturers, wholesalers, and retailers, or utilize any other method for receiving lower cost prescription drugs. Authorizes the contracted entity to charge an annual fee of \$25. Specifies that the dispensing fees and drug reimbursement rates to pharmacies for prescription drugs under the program shall be no less than the medicaid reimbursement rate to pharmacies for dispensing medications to medicaid recipients.

Beginning January 1, 2006, creates the Colorado Rx clearinghouse ("clearinghouse") to provide access to medically necessary prescription drugs through patient assistance programs sponsored by pharmaceutical drug manufacturers, drug wholesalers, or retail pharmacies, and the program. Requires the department to contract with the university of Colorado health sciences center, which in turn shall contract with a nonprofit corporation for the development,

administration, and implementation of the clearinghouse. Establishes the requirements of the administering entity in developing and administering the clearinghouse and in serving rural and underserved communities. Specifies that the clearinghouse shall also provide assistance to individuals in obtaining medicare prescription drug benefits for which the individual is eligible. Prohibits the clearinghouse from purchasing prescription drugs for individuals eligible for clearinghouse services. Authorizes the department to accept gifts, grants, and donations for the administration of the clearinghouse.

Requires the department of public health and environment, the department of health care policy and financing, the department of human services, and the department of corrections to maximize prescription drug discounts within the programs administered by the departments through the utilization of the federal 340B drug pricing program in order to receive the maximum state budget savings.

Authorizes and encourages a human services referral service provider to provide referral information regarding patient assistance programs that are sponsored by pharmaceutical drug manufacturers.

Requires the department to allow a covered entity under the federal 340B drug pricing program to use the entity's formulary in lieu of a preferred drug list established as part of a multistate prescription drug purchasing pool. Specifies department requirements for reimbursing pharmacies when operating under a preferred drug list.

Appropriates \$250,000 from the Colorado Rx clearinghouse cash fund for the implementation of the clearinghouse. Contingent on House Bill 05-1264 becoming law, appropriates a total of \$278,688 in general fund moneys for the implementation of the act.

Makes various sections of the bill contingently effective upon House Bill 05-1264 and Senate Bill 05-102 becoming law.

VETOED by Governor June 1, 2005

H.B. 05-1243 Medicaid - consumer-directed care service model - appropriation. Extends the option of receiving home- and community-based services ("HCBS") through the consumer-directed care service model to all medicaid recipients who are enrolled in an HCBS waiver for which the department of health care policy and financing ("department") has federal waiver authority. Specifies that an eligible person shall not be required to disenroll from the person's current HCBS waiver in order to receive services through the consumer-directed care service model.

Specifies that certain professional licensing requirements do not apply to a person who is directly employed by an individual participating in the consumer-directed care service model and who is acting within the scope and course of such employment. Specifies the restrictions that apply to this professional licensure exclusion and the circumstances under which the exclusion does not apply.

Allows a consumer of attendant support to have an authorized representative who has the judgment and ability to assist the consumer in acquiring and utilizing

services under the consumer-directed attendant support program. Specifies requirements for a person designated as an authorized representative. Repeals the requirement that a person have received medicaid-funded attendant support for the past 12 months in order to be eligible for consumer-directed attendant support.

Makes various adjustments to the 2005 general appropriations act to the department for the implementation of the act.

APPROVED by Governor June 3, 2005

EFFECTIVE June 3, 2005

H.B. 05-1245 State administered health care benefits programs - applicant requirements - department reporting requirements. Requires an applicant for health care benefits administered by the department of health care policy and financing (state department), including, but not limited to, benefits provided pursuant to the "Colorado Medical Assistance Act" and the children's basic health plan, and a person requesting uncompensated care in a hospital to identify the employer or employers of the proposed beneficiary of the health care benefits or, if the beneficiary is not employed, the adult responsible for providing the beneficiary's support. Requires the state department to report annually to the general assembly regarding employers with 50 or more employees who are public health program beneficiaries. Requires the state department to make the report available to any person who requests such report.

Makes the act contingent upon the passage of and savings realized from House Bill 05-1243.

VETOED by Governor June 3, 2005

H.B. 05-1261 Tobacco tax - tobacco education, prevention, and cessation act - appropriation. Creates in the state treasury the tobacco tax cash fund ("cash fund"). Specifies that the cash fund shall consist of moneys collected from the cigarette and tobacco taxes imposed pursuant to section 21 of article X of the state constitution. Requires the general assembly to annually appropriate 3% of the moneys deposited into the cash fund for health-related purposes to provide revenue for the state's general fund and old age pension fund and for municipal and county governments to compensate proportionately for tax revenue reductions attributable to lower cigarette and tobacco sales resulting from the implementation of the tax imposed pursuant to section 21 of article X of the state constitution.

Establishes separate funds for the allocation of the moneys collected through the imposition of cigarette and tobacco taxes as required by the state constitution, as follows: 46% of the moneys to the health care expansion fund; 19% to the primary care fund; 16% to the tobacco education programs fund; 16% to the prevention, early detection, and treatment fund.

Makes the necessary statutory changes to implement the collection of the cigarette and tobacco taxes imposed pursuant to section 21 of article X of the state constitution, which apply to taxes levied and collected on and after January 1, 2005.

Repeals the use of tobacco settlement moneys to fund the "Tobacco

Education, Prevention, and Cessation Act" ("Act"), allowing these tobacco settlement moneys to be transferred into the general fund at the end of fiscal year 2004-05.

Reduces the appropriation from the tobacco litigation settlement cash fund by \$4,438,893 to fund the Act and increases the appropriation from the tobacco education programs fund to fund the Act by the same amount.

Makes the enactment of section 1 of the act contingent upon the passage of House Bill 05-1262.

APPROVED by Governor June 2, 2005

EFFECTIVE June 2, 2005

NOTE: House Bill 05-1262 was signed by the governor June 2, 2005.

H.B. 05-1325 Mental health managed care organizations - contract requirements - department duties. Requires contracts between the department of health care policy and financing ("department") and mental health services managed care organizations under the medical assistance program to comply with all federal requirements including:

- Ensuring that recipients with complex or multiple needs receive treatment from appropriate providers in collaboration with other service providers;
- Informing recipients of their right to appeal a denial, reduction, or termination of requested services; and
- Administering initial stabilization treatment and transferring the recipient for appropriate continued services.

For recipients of mental health care services from a managed care organization, requires the department to have a patient representative program that complies with all federal requirements.

APPROVED by Governor May 26, 2005

EFFECTIVE August 8, 2005

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

HUMAN SERVICES - SOCIAL SERVICES

S.B. 05-98 At-risk adults - mistreatment - self-neglect - reporting procedures - appropriate responses - state department written and oral report - appropriation. Before July 1, 2005, and on and after July 1, 2006, urges specified persons to report to the county department of social services ("county department") or to a local law enforcement agency when such persons have observed the mistreatment or self-neglect of an at-risk adult or when such persons have reasonable cause to believe that an at-risk adult has been mistreated or is self-neglected and is at imminent risk of mistreatment or self-neglect.

From July 1, 2005, until June 30, 2006, requires specified persons to report to the county department or to a local law enforcement agency when such persons have observed the mistreatment or self-neglect of an at-risk adult or when such persons have reasonable cause to believe that an at-risk adult has been mistreated or is self-neglected and is at imminent risk of mistreatment or self-neglect.

Authorizes any other person to report known or suspected mistreatment or self-neglect of an at-risk adult and circumstances or conditions which might reasonably result in mistreatment or self-neglect to the county department or to a local law enforcement agency.

Requires community centered board staff, caretakers, employees, volunteers, subcontractors, or consultants who provide services and supports to adults with developmental disabilities through the community centered board system to follow reporting requirements established by the department of human services ("state department").

On or before December 1, 2006, requires the state department to submit a written report to the health and human services committees of the house of representatives and the senate containing specified information related to mandatory reporting for the preceding fiscal year. During the first 30 days of the 2007 regular session of the general assembly, requires the state department to present the information contained in the written report to the health and human services committees of the house of representatives and the senate.

Specifies that the agency receiving a report of mistreatment or self-neglect of an at-risk adult shall respond immediately, upon receipt of a report, to assess the mistreatment or self-neglect involved and to determine the appropriate response to the report. Requires the agency to conduct the assessment in accordance with rules adopted by the state board of human services related to determining the risk of harm to an at-risk adult and appropriate responses to the risk. Lists some appropriate responses. Requires the county department to arrange for its investigation to be conducted by county department adult protective services personnel or by an entity authorized by law or rule to conduct such investigations.

Urges the county director or his or her designee, upon determining that an at-risk adult is being or has been mistreated or self-neglected or is at risk thereof and that the at-risk adult lacks decision-making capability or demonstrates behavior that strongly indicates an inability to receive and evaluate information, to petition the court for specified actions.

Appropriates \$159,139 to the state department for the implementation of the act. Makes implementation of the act contingent upon the passage of and savings realized from Senate Bill 05-039.

VETOED by Governor May 26, 2005

S.B. 05-159 Fitzsimons nursing home - use of general funds. Beginning in fiscal year 2004-05, and for each fiscal year thereafter, authorizes the department of human services to use general fund moneys to cover any operational shortfall incurred by the nursing home at the former Fitzsimons army medical center.

APPROVED by Governor March 18, 2005

EFFECTIVE March 18, 2005

S.B. 05-202 Public assistance - electronic benefits transfer fee - repeal - appropriation. Repeals the authority of the department of human services ("department") to charge a one dollar per month administrative fee to public assistance recipients who receive assistance payments through the electronic benefits transfer service for the Colorado works program, old age pension, aid to the needy disabled, aid to the blind, low-income energy assistance, and child care assistance.

Appropriates \$487,986 in general fund moneys to the department to administer the electronic benefits transfer service and reduces the cash funds appropriation to the department by the same amount.

APPROVED by Governor May 26, 2005

EFFECTIVE July 1, 2005

H.B. 05-1084 Residential treatment services - providers - rate setting - report. Requires the department of human services ("department") to develop a rate-setting process consistent with medicaid for providers of residential treatment services in the state of Colorado. Specifies that representatives of counties and the provider community shall be involved in the actual development of the rate-setting process. Specifies factors that may be included in the rate-setting process.

Requires the department, in auditing residential treatment providers, to apply compliance requirements and monitoring functions consistently across all division and monitoring teams. Contains a reporting and review requirement.

APPROVED by Governor April 5, 2005

EFFECTIVE April 5, 2005

H.B. 05-1198 Child welfare delivery systems - objectives. Broadens the objectives for child welfare and related delivery systems by adding promotion of the development of a family-centered, community-based strategy for placement decisions and promotion of the local placement of children with families.

APPROVED by Governor April 22, 2005

EFFECTIVE August 8, 2005

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 05-1227 Child placement agencies - licensing - international convention adoptions - accreditation - fee - foster care status - rules - appropriations. For licensing purposes, defines a child placement agency to include any corporation, partnership, association, firm, agency, institution, or person unrelated to a child being placed, who facilitates placement for a fee for care of a child under the age of 18 years with a family, a person, or an institution.

On and after July 1, 2005, and subject to designation as a qualified accrediting entity pursuant to federal law, authorizes the department of human services ("state department") to license and accredit a child placement agency for purposes of providing adoption services for international convention adoptions pursuant to federal law. Authorizes the state department to establish a fee for so accrediting a child placement agency.

Clarifies that, with respect to fees charged by a child placement agency, a child who is placed by a county department in a foster care home operated by a child placement agency shall be deemed to remain in foster care status until the date that the final decree of adoption is entered or until the date that the child is returned to his or her biological parent's home, unless otherwise negotiated in the contract between the child placement agency and the county department of social services.

Requires the state board of human services to promulgate rules to require child placement agencies to scan adoption records for purposes of transferring them to the division in the department of human services responsible for child care licensing.

For the fiscal year beginning July 1, 2005, appropriates \$2,155 from the child care licensing cash fund to the department of human services for allocation to the executive director's office for legal services related to the implementation of the act. Further appropriates the \$2,155 to the department of law for the provision of legal services to the department of human services. Appropriates \$21,459 from the child care licensing cash fund to the department of human services for allocation to the division of child care for the implementation of the act.

APPROVED by Governor June 2, 2005

EFFECTIVE June 2, 2005

H.B. 05-1324 Food distribution programs - commodities - monthly administrative fee - fund - creation. Authorizes the department of human services ("department") to charge an administrative fee for commodities delivered to eligible agencies that receive the commodities through food distribution programs authorized by federal law. Specifies that the department will collect the administrative fee on a monthly basis. Creates the food distribution program service fund ("fund") for the purpose of defraying the cost of administering specified food distribution programs, and directs the state treasurer to credit the administrative fees to the fund.

APPROVED by Governor June 1, 2005

EFFECTIVE June 1, 2005

H.B. 05-1336 State and veterans nursing homes - quality of care - legislative study - funding - evaluation of state and veterans nursing homes cash fund - repeal - appropriations. Establishes a legislative oversight committee ("committee") to evaluate the quality of care provided in certain state and veterans nursing homes. Requires the committee to report to the general assembly on the issues studied, and authorizes the committee to propose legislative changes based on the recommendations from the commission studying the quality of care issue. Requires the committee to communicate periodically with the Fitzsimons state veterans nursing home advisory board concerning any function or finding of the committee or the board.

Creates a commission to evaluate and study specific issues related to the quality of care provided in certain state and veterans nursing homes and to provide guidance and recommendations to the committee. Specifies the membership of the commission. Requires the commission to obtain input from groups in the state affected by the issues studied by the commission.

Authorizes the board of veterans affairs to allocate funds from the Colorado state veterans trust fund for the costs of the committee and commission. Establishes the evaluation of state and veterans nursing homes cash fund.

Repeals the committee and the commission, effective July 1, 2007.

Makes appropriations for fiscal year 2005-06, as follows: Appropriates \$19,489 and 0.4 FTE to the legislative department from the evaluation of state and veterans nursing homes cash fund; appropriates \$34,950 to the department of human services from the evaluation of state and veterans nursing homes cash fund.

Makes certain provisions of the nursing home advisory board contingent on the enactment of House Bill 05-1344.

APPROVED by Governor May 26, 2005

EFFECTIVE July 1, 2005

NOTE: House Bill 05-1344 was signed by the governor May 26, 2005.

H.B. 05-1344 Fitzsimons state veterans nursing home advisory board - creation - powers - duties. Creates the Fitzsimons state veterans nursing home advisory board ("board"). Includes the board within the state department of human services. Specifies the membership of the board and the method by which members are appointed. Specifies the powers and duties of the board. Requires the board to communicate periodically with the legislative oversight committee that evaluates the quality of care at certain state and veterans nursing homes concerning any function or finding of the board or the oversight committee.

Repeals the board, effective July 1, 2007.

Makes certain provisions of the nursing home advisory board contingent on

the enactment of House Bill 05-1336.

APPROVED by Governor May 26, 2005

EFFECTIVE July 1, 2005

NOTE: House Bill 05-1336 was signed by the governor May 26, 2005.

INSURANCE

S.B. 05-37 Health insurance - denial of benefits - procedure - appeals process. In provisions governing the denial of benefits by a health insurer, allows a covered person to request a second-level internal appeal from a denial of health benefits. If a health coverage plan denies a benefit because the treatment is an excluded benefit and the claimant presents evidence from a medical doctor or dentist that the contractual exclusion does not apply to the denied benefit, allows the benefit denial to be subject to the appeals process. Requires a carrier to notify a covered person of the right to appeal a denial of benefits through a 2-level review process.

Mandates that the first-level appeal be evaluated by a physician in consultation with an appropriate clinical peer, neither of whom was involved in the initial adverse determination. Requires second-level internal appeals to be reviewed by a health care professional with appropriate expertise, who was not previously involved in the appeal, and who does not have a financial interest in the appeal or the outcome of the review. Allows the covered person to be present for the second-level review, to bring advocates and health care professionals, and to present materials to the review committee. Requires the health coverage plan and the covered person to provide materials presented at the review to the other party at least 5 days prior to the review. Requires the health coverage plan to notify the covered person that a recording shall be made of the appeal unless neither party wants it, and that such recording shall be available and may be included in any external future review.

Requires each insurer to report the number and outcome of second-level internal appeals annually. Directs the insurance commissioner to publish this information together with information on third-level external appeals.

APPROVED by Governor June 1, 2005

EFFECTIVE January 1, 2006

S.B. 05-70 Insurance coverage - active duty military personnel. Prohibits an automobile insurer from reducing or cancelling insurance coverage except for nonpayment, refusing to issue or renew a policy, or surcharging a newly issued or renewed policy due to a covered person's failure to maintain coverage during deployment by or active duty in the United States military if the person was not required to maintain insurance pursuant to Colorado law or the law of another state.

Requires an insurer that has issued an individual sickness and accident insurance policy to a person who is deployed by or called to active duty in the United States military and who allows the coverage to lapse during the deployment or activation to issue the same individual coverage to the person upon application by the person for the coverage. Requires the application to contain reasonable evidence of the individual sickness and accident insurance that covered the person prior to deployment or activation. Allows a sickness and accident insurer to increase premiums for such policies based on general rate increases applicable to all policyholders but precludes the insurer from:

- Restricting benefits or increasing premiums for the coverage as a result of the lapse in coverage;

- Using any health condition originating or newly treated during the lapse in coverage to rate the policy; or
- Limiting benefits by an exclusionary rider or by applying a preexisting condition limitation provision to the policy.

Defines the failure to comply with these provisions as an unfair method of competition and an unfair or deceptive act or practice in the business of insurance.

Specifies that the act applies to actions taken by insurers on or after April 14, 2005.

APPROVED by Governor April 14, 2005

EFFECTIVE April 14, 2005

S.B. 05-103 Small group sickness and accident insurance - exemption from rate-up for participation in a multiple welfare arrangement. Exempts a small employer seeking coverage in the small group market from the up-to-35% increased rate that carriers may charge small employers who have been self-funded or insured through a policy outside the small group health insurance market if the employer:

- Currently or immediately prior to seeking coverage in the small group market participates or participated in a multiple employer welfare arrangement; and
- Is no longer eligible to participate in a multiple employer welfare arrangement due to a change in employment status or a change in business purpose.

APPROVED by Governor April 29, 2005

EFFECTIVE January 1, 2006

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 05-107 Life insurance - viatical settlements - regulation - appropriation. Creates the "Viatical Settlements Act". Authorizes the owner of a life insurance policy (a "viator") to sell the viator's interest in the benefits payable upon the viator's death to a third party (a "viatical settlement provider") for an amount that is less than the expected death benefit pursuant to a viatical settlement contract. Regulates viatical settlement providers by:

- Restricting the business of viatical settlements to licensed life insurance producers;
- Restricting the permissible terms of viatical settlement contracts, mandating procedural safeguards applicable to the negotiation of such contracts, and requiring viatical settlement contracts to be filed with the commissioner of insurance prior to use;
- Requiring annual reporting and record retention;
- Authorizing the commissioner to conduct examinations of viatical settlement providers;
- Specifying confidentiality, advertising, and disclosure requirements;
- Creating special protections for viators who are chronically or terminally ill;

- Prohibiting certain conflicts of interest and fraudulent acts and requiring viatical settlement providers to adopt anti-fraud initiatives; and
- Specifying licensing fees and penalties for violations, including unfair trade practices.

Authorizes the commissioner to adopt rules to implement the act. Specifies that the act does not preempt the "Colorado Securities Act". Defines "viatical settlement investment" to exclude a transaction between a viator and a viatical settlement provider, and amends the definition of "security" to include viatical settlement investments.

Appropriates \$5,626 to the department of regulatory agencies for allocation to the division of insurance for the implementation of the act.

APPROVED by Governor June 3, 2005

EFFECTIVE January 1, 2006

S.B. 05-168 Health insurance - benefit coverage - disclosure of rate increases - public entity. Requires a carrier that offers health benefit coverage to a public entity to annually disclose to the entity, upon request of the entity, and with the issuance of the employer's rate renewal:

- The total number of employees covered by the carrier for the public entity;
- The total dollar amount of claims paid by the carrier on behalf of the public entity;
- Total of premiums paid; and
- The number of claims that exceed \$10,000 for any one covered person.

APPROVED by Governor June 1, 2005

EFFECTIVE January 1, 2006

S.B. 05-169 Assembly for comprehensive state health care reform - appropriation. Establishes the assembly for comprehensive state health care reform ("health care assembly"). Requires members of the health care assembly to be appointed from various backgrounds, including members of the general assembly; representatives of health care professionals; health care industry, business, and labor representatives; executive department administrators; citizens; and others. Requires members to maintain contact with the constituents they represent to keep them informed about the discussions of the health care assembly and to solicit viewpoints and proposals. Requires the senate and house health and human services committees to appoint a neutral entity to organize the health care assembly. Requires the neutral entity to appoint a facilitator to direct presentations to and discussions of the health care assembly. States that members of the health care assembly shall not receive compensation.

Requires the health care assembly to meet over a period of 24 months to discuss health care reform proposals and to decide upon a proposal to present to the general assembly. Requires the presentation of the proposal or, if an agreement cannot be reached, a presentation explaining why no recommendations could be

made, on or before January 1, 2008. Creates the health care assembly cash fund in the state treasury for the purpose of receiving gifts, grants, and donations for purposes of carrying out activities of the health care assembly.

Repeals the health care assembly on July 1, 2009.

Appropriates \$1,200 from the health care assembly cash fund in the state treasury for the implementation of this act.

VETOED by Governor May 26, 2005

S.B. 05-227 Commission on mandated health insurance benefits - continuation - health care task force - creation - duties. Continues the commission on mandated health insurance benefits until July 1, 2010. Creates the health care task force to address health care issues that may affect health insurance, emerging trends in Colorado health care, affordable health insurance, health care delivery, managed care issues, the medically indigent population, costs and benefits of preventative and early treatment, rural health care issues, the uninsured population, network adequacy, provider reimbursement processes, and certificates of need. Repeals the health care task force on July 1, 2010.

APPROVED by Governor June 2, 2005

EFFECTIVE June 2, 2005

S.B. 05-235 Small group sickness and accident insurance - offer of domestic partner and domestic partner dependent coverage. Clarifies that a small employer carrier may offer and a small employer may accept or reject coverage for employees' domestic partners and their dependents under a standard or basic health benefit plan.

APPROVED by Governor June 2, 2005

EFFECTIVE June 2, 2005

H.B. 05-1060 CoverColorado - tax credits. To apply for a tax credit for a contribution to CoverColorado, requires an insurance company to declare in its second quarter tax statement its intent to make a contribution in the amount of its second quarter tax payment or a lesser amount as specified by the commissioner of insurance. Requires the commissioner to issue an allocation notice to such companies by September 30 that lists, subject to the existing annual \$5 million maximum, the amount of the qualifying contribution. Requires the companies to make the contributions by October 31. Allows the companies to claim the tax credit in one or more of their subsequent tax payments. If the full \$5 million has not been contributed by October 31, follows the same procedure in the subsequent annual tax payment. Prohibits the imposition of a retaliatory tax. Authorizes the commissioner to promulgate rules. Deems contribution offers made prior to April 22, 2005, to be of no effect.

APPROVED by Governor April 22, 2005

EFFECTIVE April 22, 2005

H.B. 05-1101 Sickness and accident insurance - dependent coverage for persons under 25 years of age. Requires individual and group sickness and accident

insurance policies that offer dependent coverage to offer to the parent, for an additional premium if applicable, the same dependent coverage for an unmarried child who is under 25 years of age, and is not a dependent as defined by Colorado law, if the child has the same legal residence as the parent or is financially dependent upon the parent. Allows the policyholder to determine if the parent or the policyholder shall pay any additional premium.

BECAME LAW June 9, 2005

EFFECTIVE January 1, 2006

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 05-1119 Personal property and casualty insurance - health insurance - monthly and electronic payments required. Requires insurers to offer the option of making monthly premium payments and to allow payment of premiums by automatic electronic transfer.

APPROVED by Governor April 22, 2005

EFFECTIVE December 31, 2005

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 05-1165 Health insurance regulation - assignment of benefits. Allows a covered person to assign, in writing, payments due under such person's health insurance policy to a licensed hospital or other licensed health care provider for services provided to the covered person that are covered under the policy. Establishes guidelines under which the covered person may revoke the assignment. Specifies that if a carrier fails to honor the assignment, then the carrier is liable for such payment to the licensed hospital or other licensed health care provider.

APPROVED by Governor May 10, 2005

EFFECTIVE August 8, 2005

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 05-1225 Long-term care - offer of basic or standard plan - repeal. Repeals the requirement that an insurance carrier offering, marketing, or selling long-term care insurance offer the choice of a basic long-term care plan or a standard long-term care plan in addition to any other plan offered. Repeals the long-term care benefit plan advisory committee. Repeals the authority of the commissioner of insurance to adopt rules to implement a basic long-term care plan and a standard long-term care plan.

APPROVED by Governor April 27, 2005

EFFECTIVE August 8, 2005

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 05-1250 Medical payments coverage - disclosures - exception - insurance commissioner rules. Requires every insurer issuing automobile insurance policies that include medical payments coverage to include in the summary disclosure form required under current law a disclosure specifying that:

- Medical payments coverage pays for reasonable health care expenses incurred for bodily injury caused by an automobile accident, regardless of fault, up to the policy limits chosen by the insured;
- Medical payments coverage is primary to any health insurance coverage available to an insured when injured in an automobile accident;
- Medical payments coverage applies to any coinsurance or deductible amount required to be paid by the person's health coverage plan; and
- An insured who is injured in an automobile accident will not receive benefits from medical payments coverage for any medical expenses incurred as a result of an accident that is the fault of the insured unless medical payments coverage is purchased.

Specifies that insurers issuing commercial automobile insurance policies need not comply with the disclosure requirements in the act. Requires the insurance commissioner to adopt rules regarding the implementation of the disclosure requirements and the definition of commercial automobile insurance policies.

Retains beyond July 1, 2005, the requirement that medical payments coverage be primary to any health insurance benefit of a person injured in an automobile accident and that medical payments coverage apply to any coinsurance or deductible amount required in the injured person's health coverage plan.

Makes the disclosure requirements and rule-making authority provisions of the act effective January 1, 2006, and applicable to automobile insurance policies issued or renewed on or after January 1, 2006. Specifies that the remainder of the act takes effect July 1, 2005, and applies to automobile insurance policies issued or renewed on or after July 1, 2005.

APPROVED by Governor May 4, 2005 **PORTIONS EFFECTIVE** July 1, 2005
PORTIONS EFFECTIVE January 1, 2006

H.B. 05-1297 Nonadmitted Insurance Act - exemptions from act. Exempts insurance on satellites or other devices intended for launch beyond the earth's atmosphere from the statutory provisions governing transactions with nonadmitted insurers. Requires a licensed broker who places an exempt type of insurance with a nonadmitted insurer to keep the record of coverage in the broker's office. Exempts transactions with exempt commercial policyholders from the disclosure requirements regarding claims-made policies by surplus line brokers or insurers.

APPROVED by Governor June 1, 2005 **EFFECTIVE** January 1, 2006

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 05-1312 Sickness and accident insurance - uniform employee application form. Requires the insurance commissioner to develop a uniform employee application form for health coverage. Requires each small group carrier to exclusively use the form for the conduct of business in this state on and after January 1, 2007.

APPROVED by Governor June 1, 2005

EFFECTIVE January 1, 2006

H.B. 05-1320 Credit for reinsurance - conditions. Prohibits credit as an asset or a reduction from liability to any domestic ceding insurer for reinsurance unless the contract contains an insolvency clause. Deletes specific required contract provisions. Prohibits credit to a domestic ceding insurer if the reinsurer's accreditation has been revoked.

Defines and places limitations on the types of reinsurers from whom an asset or reduction of liability may be taken. Requires specific form and content for trust funds maintained by a reinsurer. If an assuming insurer does not meet specific requirements for reinsurance, allows credit if the ceding insurer holds funds meeting certain requirements.

APPROVED by Governor May 25, 2005

EFFECTIVE August 8, 2005

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

LABOR AND INDUSTRY

S.B. 05-28 Employment nondiscrimination protections - addition of sexual orientation - appropriation. Adds sexual orientation to the list of characteristics for which a person may not be discriminated against under state laws applying to:

- Employers' practices involving hiring, discharging, promoting, or demoting employees; the harassment of employees; and the compensation of employees;
- Employment agency practices involving listings, referrals, or compliance with an employer's direct or indirect request to discriminate;
- Labor organization practices involving the exclusion, expulsion, or other discrimination in membership;
- Employer, employment agency, or labor organization practices involving the use of a discriminatory publication, application, or inquiry; and
- Apprenticeship training programs or other occupational instruction programs.

Allows employers to require compliance with a reasonable and consistently-applied dress code and to require persons with transgender status to maintain reasonably consistent gender presentation.

Specifies that the nondiscrimination law is not intended to censor or restrain an employer's or employee's expression of religious beliefs but is not to be construed to allow an employer to discriminate against an employee in violation of the law.

Excludes religious organizations or associations from the definition of "employer" for purposes of complying with state employment nondiscrimination laws.

Defines "sexual orientation" as a person's actual or perceived orientation toward heterosexuality, homosexuality, bisexuality, or transgender status.

Appropriates from the general fund to the department of regulatory agencies, civil rights division, \$45,139 and 1.0 FTE, and from the general fund to the department of regulatory agencies, executive director's office, \$35,513 for implementation of this act.

Makes the effectiveness of the act contingent on the passage of House Bill 05-1264 and a decrease in cash fund revenues related to House Bill 05-1264 that is equal to or exceeds the amount of the general fund appropriation made for the implementation of the act.

VETOED by Governor May 27, 2005

S.B. 05-39 Petroleum - storage tanks - financing - appropriation. Declares the petroleum storage tank fund to be an enterprise fund and gives the executive director of the department of labor and employment authority to issue bonds for the fund. Raises from \$1 million to \$2 million the per-occurrence liability of the fund during

a fiscal year.

Expands from property owners to current and former property owners the persons who may have recourse to the fund if the other conditions are met. Clarifies that a property owner cannot have owned, leased, or managed a storage tank to have recourse to the fund after a spill.

Changes the environmental response surcharge on certain petroleum fuel products in the following manner:

- Raises the base fee from \$75 to \$100 per tank truckload, but lowers the trigger for imposing such fees from less than \$5 million to less than \$3 million in the fund.
- Raises the second-tier fee from \$50 to \$75 per tank truckload, but lowers the trigger for imposing such fee from less than \$20 million to less than \$6 million in the fund.
- Raises the third-tier fee from \$25 to \$50 per tank truckload, but lowers the trigger for imposing such fee from less than \$30 million to less than \$12 million in the fund.

Changes from 2007 to 2012 the effective date of a provision that sets the fee at \$25 per tank truckload if there is less than \$8 million in the fund.

Moves the liquefied petroleum gas inspection fund from the petroleum storage tank fund to the state treasury.

Appropriates \$1 million to the department of labor and employment for allocation to the division of oil and public safety for implementation of the act. Decreases the cash fund appropriation to the department of labor and employment by \$1,881,328 and specifies that said sum shall be from the petroleum storage tank fund. Increases the cash fund exempt appropriation to the department of labor and employment by \$1,881,328 and specifies that said sum shall be from the petroleum storage tank fund.

APPROVED by Governor June 3, 2005

EFFECTIVE July 1, 2005

S.B. 05-75 Petroleum tank storage fund - fee lands. Authorizes reimbursement of owners and operators of storage tanks on lands owned in fee simple within Southern Ute reservations for the costs of correcting petroleum contamination out of the petroleum storage tank fund if such tanks are registered and in compliance with certain regulations. Requires Indian tribes or tribe members who own a tank to comply with financial responsibility regulations. Authorizes owners and operators of such tanks to use the fund to demonstrate compliance with the financial responsibility requirements.

APPROVED by Governor April 29, 2005

EFFECTIVE July 1, 2005

S.B. 05-134 Workers' compensation cases - discovery - expert testimony - reopening of awards - withdrawal of admissions. Modifies certain procedures for workers' compensation hearings as follows:

- In the case where each of the parties is represented by an attorney, eliminates the requirement that the parties must agree prior to engaging in discovery;
- Requires expert testimony to be presented by deposition only unless the parties agree otherwise or the trier of fact finds good cause to allow live testimony;
- Establishes a deadline for the completion of expert depositions and allows the parties to agree to an alternative deadline; and
- Requires experts to charge fees and be reimbursed in accordance with the fee schedule developed by the director of the division of workers' compensation.

Modifies the grounds for reopening an award in a workers' compensation case as follows:

- Eliminates error as a ground for reopening an award; and
- Specifies that a mistake must be mutual in order to constitute grounds to reopen an award.

Allows the director of the division of workers' compensation or an administrative law judge to permit an admission to be withdrawn on the grounds of fraud, overpayment, or computational or typographical error.

VETOED by Governor May 25, 2005

H.B. 05-1020 Unemployment insurance benefits - alternate base period - creation - appropriation. Creates an alternative base period for the purpose of qualifying workers for unemployment insurance benefits. Defines alternative base period as the last 4 completed quarters preceding the benefits period. Allows the division of employment and training to base a determination of eligibility for unemployment insurance benefits on the affidavit of the unemployed person for the quarter immediately preceding the benefit period.

Appropriates \$250,000 to the department of labor and employment, for allocation to the division of employment and training, for implementation of the act.

VETOED by Governor May 25, 2005

H.B. 05-1092 Unemployment insurance tax rate - acquisition of trade or business subject to employment security laws. For purposes of compliance with the federal "SUTA Dumping Prevention Act of 2004", modifies the method of determining the unemployment insurance tax rate for an entity that acquires the trade or business of an employer subject to the "Colorado Employment Security Act" as follows:

- Specifies that, when the successor acquiring the business or trade of an employer was not an employer at the time of acquisition, the successor employer is to be assigned the rate of the predecessor employer or, in the case of multiple predecessor employers, the highest rate of any predecessor employer if the predecessor rates were not identical.

- Clarifies that a successor employer retains its rate for the remainder of the calendar year after the transfer if, at the time of transfer of a trade or business from the predecessor employer to the successor employer, there was not substantial common ownership, management, or control of the 2 employers.
- In the case of common ownership, management, or control between 2 employers, specifies that the unemployment experience of the predecessor employer is to be transferred to the successor employer and the rates of both employers are to be recalculated.
- Establishes special rules when the division of employment and training in the department of labor and employment (division) determines that the purpose of a transfer was solely or primarily to obtain a lower rate of or reduced liability for contributions, and requires the division to use objective factors when making the determination.
- Establishes civil and criminal penalties for knowingly violating or attempting to violate the law or advising a person in a way that leads to a violation.
- Requires the division to establish procedures for identifying the transfer or acquisition of a business or trade.

Applies to acquisitions and transfers occurring on or after January 1, 2006.

APPROVED by Governor May 25, 2005

EFFECTIVE July 1, 2005

H.B. 05-1105 Unemployment benefits - eligibility for domestic abuse victims. Exempts a victim of domestic abuse from the requirement to actively be seeking employment in order to receive unemployment benefits for the first 15 days after a claim is filed if the requirement to be actively seeking work would make it more difficult for the victim to escape domestic abuse or would unfairly penalize the victim.

APPROVED by Governor April 20, 2005

EFFECTIVE August 8, 2005

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 05-1113 Permanent partial disability payments - limitations. Raises the limit on temporary and permanent partial disability payments to \$75,000 for those whose impairment rating is 25% or less. Raises the limit on temporary and permanent partial disability payments to \$150,000 for those whose impairment rating is greater than 25%.

BECAME LAW June 9, 2005

EFFECTIVE January 1, 2006

H.B. 05-1115 Labor relations - access to employee's personnel file. Makes legislative findings. Allows an employee, including a former employee, to inspect the employee's personnel file and to obtain certified copies of documents in the file. Defines personnel files to exclude documents or records required to be maintained

in a separate file by federal law or documents or records pertaining to an investigation by the employer or a regulatory agency of allegations of harassment, discrimination, retaliation, fraud, theft, or identity theft against an employee or former employee. Exempts financial institutions, including banks, trust companies, savings institutions, or credit unions, from compliance with these requirements.

VETOED by Governor May 25, 2005

H.B. 05-1139 Workers' compensation - enforcement - penalties - reporting. Strengthens the authority of the division of workers' compensation ("division") in the department of labor and employment to collect penalties from employers who repeatedly and willfully violate requirements to maintain workers' compensation insurance. Specifies that the penalty for a first violation is \$250 per day, with a maximum of \$500 per day for subsequent violations. Applies penalties for all periods when an employer is out of compliance with the insurance requirements. Deems an initial violation to have occurred with regard to subsequently formed employers that comprise substantially the same people or entities that were involved in an initial violation. Deposits 25% of the penalties in the workers' compensation cash fund and 75% in the general fund.

Clarifies the division's authority to penalize carriers for overall noncompliance with the claims adjusting requirements. Requires the director of the division to promulgate rules to specify the circumstances pursuant to which the director may issue an order imposing a fine and criteria for determining the amount of the fine. Deposits 75% of the penalties into the general fund and 25% into the workers' compensation cash fund.

Requires reporting by employers of occupational diseases that involve lost time and that are listed by the director by rule. Requires summary reporting by employers of exposures to injurious substances, as defined by the director by rule, that do not involve lost time. Requires reports to be filed in an electronic format unless exempted by the director pursuant to rule. Requires notices of admission or denial of liability to be filed within 20 days after a report was or should have been filed with the division.

APPROVED by Governor April 7, 2005

EFFECTIVE July 1, 2005

H.B. 05-1179 Wages - penalty for late payment upon termination. Increases the amount of earned, vested, and determinable wages due if the employee does not receive the wages within 10 days after written demand from 50% of the amount due to:

- A minimum of 50% and a maximum of 200% if the wages due do not exceed \$10,000;
- A minimum of 50% and a maximum of 150% if the wages due exceed \$10,000 and do not exceed \$20,000; and
- A minimum of 50% and a maximum of 100% if the wages due exceed \$20,000 and do not exceed \$50,000.

VETOED by Governor June 3, 2005

H.B. 05-1208 Unemployment insurance - credit against tax rate for 2006 calendar year - amount equal to increase in solvency tax surcharge. For the 2006 calendar year, allows a rated employer a credit, in an amount equal to the amount of the increase in the solvency tax surcharge, against the computation of the employer's standard or computed unemployment insurance tax rate for that calendar year if, as of June 30, 2005, the ratio of the unemployment compensation fund balance to the total wages reported by ratable employers equals or exceeds that ratio on June 30, 2004.

Appropriates from the employment support fund to the department of labor and employment, for allocation to the division of employment and training, \$100,000 for implementation of this act.

APPROVED by Governor May 25, 2005

EFFECTIVE May 25, 2005

H.B. 05-1213 Workers' compensation - Pinnacol Assurance - statistics - appropriation. Repeals the collection of statistics from licensed insurance carriers and Pinnacol Assurance concerning the costs of providing workers' compensation benefits. Repeals the requirement that the commissioner of insurance collect data for the purposes of updating the 1993 Colorado workers' compensation closed claim study.

Decreases the appropriation to the department of regulatory agencies, division of insurance, for workers' compensation studies, from the workers' compensation cash fund by \$75,000.

APPROVED by Governor June 3, 2005

EFFECTIVE July 1, 2005

H.B. 05-1239 Unemployment insurance benefits - lockout. Specifies that an employee is eligible for unemployment benefits if the employee's unemployment is due to a lockout. Deletes obsolete language.

VETOED by Governor May 25, 2005

H.B. 05-1265 Unemployment benefits - full award despite voluntary termination - military medical related relocation. Provides that good cause for leaving employment exists if an employee voluntarily leaves a job to accompany his or her military-connected spouse for medical-related purposes, from which location the employee's place of employment is not reasonably accessible, and, as such, the employee is eligible for unemployment benefits.

APPROVED by Governor June 2, 2005

EFFECTIVE June 2, 2005

H.B. 05-1318 Workers' compensation - proof of coverage - construction work - responsibility of contractor. Requires every person who contracts for the performance of work at a construction site to either provide workers' compensation coverage for, or require proof of workers' compensation coverage from, every

person with whom he or she has a direct contract to perform construction work at the site. Specifies that, when a portion of the contract price is withheld to cover workers' compensation premiums, the premiums shall be calculated only on the portion of the contract price representing labor. Punishes violations with a \$500 per day administrative fine.

VETOED by Governor June 1, 2005

H.B. 05-1328 Fuel products. Recodifies the statutes addressing the regulation of fuel products to clarify, harmonize, and modernize the law, specifically:

- Defines "department" to mean the department of labor and employment;
- Defines various national organizations;
- Defines "antiknock index";
- Defines the various classifications of liquid fuel products;
- Changes references to the American society for testing and materials to reflect the organization's new name, ASTM International; and
- Repeals the specifications of kerosene.

APPROVED by Governor June 3, 2005

EFFECTIVE August 8, 2005

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

MILITARY AND VETERANS

H.B. 05-1083 Property sales - command tour ribbon - state employee benefits. When property owned for a military purpose is no longer suitable for that purpose, allows the adjutant general, rather than the governor, to select an appraiser from a list of 3 appraisers to conduct an appraisal prior to disposition of the property. Clarifies that moneys obtained from the sale of property owned for military purposes may be used for costs associated with the acquisition of an armory.

Establishes the command tour ribbon for a command sergeant major, command chief, or first sergeant who serves in that position for at least 24 months. Specifies that an active service medal is awarded to a member of the national guard only when the member is called to duty by the president of the United States.

Authorizes members of the military forces who are called to service by the governor for more than 30 consecutive days to be eligible for benefits as state employees, including health insurance and retirement benefits.

APPROVED by Governor May 27, 2005

EFFECTIVE May 27, 2005

MOTOR VEHICLES AND TRAFFIC REGULATION

S.B. 05-9 Human waste dumping - increase in fine. Increases the amount of the fine imposed as punishment for illicit disposal of containers of human waste upon or along a state highway from \$35 plus a \$5.20 surcharge to a flat fine of \$500. Defines terms.

APPROVED by Governor April 5, 2005

EFFECTIVE April 5, 2005

S.B. 05-14 Motor vehicle registration - private sale. Clarifies that, after a sale, a motor vehicle must be registered or temporarily registered before being driven. Authorizes the purchaser in a private sale to drive the vehicle home before registering such vehicle if the vehicle was purchased outside of normal business hours, is only driven to transport the vehicle from the place of purchase, and the owner possesses a bill of sale and proof of insurance.

APPROVED by Governor June 1, 2005

EFFECTIVE June 1, 2005

S.B. 05-36 Minor driver's license restrictions - minor passengers - curfew. Prohibits a minor driver who has held a license less than 6 months from transporting a passenger who is under 21 years of age. Prohibits a minor driver who has held a license for less than one year from transporting more than one person under 21 years of age. Allows the following exceptions to this prohibition:

- If the motor vehicle also contains the minor's parent or legal guardian or other responsible adult;
- If the motor vehicle also contains a 21-year-old driver or a driving instructor;
- If the passenger is in the vehicle on account of a medical emergency;
- If all the passengers are members of the driver's immediate family.

Prohibits a minor driver who has held a license for less than one year from driving between 12 midnight and 5 a.m. Allows the following exceptions to this curfew:

- If the motor vehicle contains the minor's parent, legal guardian, or other responsible adult;
- If the motor vehicle contains a 21-year-old driver or a driving instructor;
- If the driving is on account of a medical emergency;
- If the driving is on account of school or a school-authorized activity when the school does not provide adequate transportation;
- If the driving is on account of employment when necessary;
- If the minor is emancipated.

Imposes punishment for violating such prohibitions, including community service, fines, and license suspension points.

APPROVED by Governor April 21, 2005

EFFECTIVE April 21, 2005

S.B. 05-38 Motor vehicle titles. Clarifies, simplifies, and harmonizes the language in the motor vehicle title statutes. Deletes obsolete provisions.

APPROVED by Governor June 1, 2005

EFFECTIVE August 8, 2005

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 05-47 Driver's licenses - identification cards. Harmonizes the periods of license revocation so that minors without licenses receive the same revocation as drivers who have been licensed. Authorizes a grandparent with power of attorney to:

- Sign a statement certifying that the minor is enrolled in a driver education course;
- Supervise the minor driver on the road;
- Sign an application for the minor to receive a minor's instruction permit; and
- Sign an affidavit of liability.

Specifies that a motorcycle instruction permit shall be valid for 3 years, consistent with other driver instruction permits.

Lowers from 10 to 5 years the length of time a driver's license or identification document is valid. Clarifies the types of government actions by Colorado or other jurisdictions that cause the department of revenue to take an administrative action against a driver's license.

Clarifies that a sworn statement of a person's social security number is made under penalty of law. Authorizes a physician's assistant to sign a medical opinion required by the department. Repeals a licensee's option to waive the duty of the department of revenue ("department") to keep the social security number confidential. Repeals the applicant's option to put the social security number on his or her driver's license or identification card. Repeals an option that authorizes a licensee to have emergency symbols placed on his or her driver's license or identification card.

Lowers the age limit from 66 to 61 years of age when a person may no longer renew a driver's license by mail, conforming to the age of 61 years when a driver's license renewal period changes from 10 years to 5 years. Requires a person renewing a driver's license by mail or by electronic means to attest under penalty of law that he or she has had an eye examination within the last 3 years. Extends from 10 to 30 days the deadline for notifying the department of a name or address change. Requires a person who changes his or her name to apply for a license renewal. Relocates a registration statute concerning the body color of a motor vehicle from the article dealing with driver's licenses to the article dealing with registrations.

Authorizes the department to return a driver's license if it determines that the license was erroneously canceled. Repeals a requirement that a law enforcement officer send to the department a verified report when issuing a citation to a commercial driver for driving under the influence of alcohol. Clarifies that a person

whose driving privilege has been restrained and reinstated must apply for a new license instead of receiving the original license back.

APPROVED by Governor May 27, 2005

EFFECTIVE May 27, 2005

S.B. 05-82 Special license plates - Colorado "Kids First" plate - creation. Creates the Colorado "Kids First" license plate for motor vehicles that do not exceed 16,000 pounds. Authorizes issuance of the plate to persons who pay the appropriate fees plus a one-time fee of \$25 and who have a certificate issued by the rocky mountain research and prevention institute confirming donation to a health promotion and injury prevention fund. Requires the fund to be used to help promote the health of and prevent injury to children. Requires the institute to report its expenditures of funds generated from the plate to the joint budget committee. Credits the one-time fee to the highway users' tax fund.

VETOED by Governor June 6, 2005

S.B. 05-153 License plates - replacement program. Repeals the July 1, 2007, deadline for replacing motor vehicle license plates within Colorado.

APPROVED by Governor April 14, 2005

EFFECTIVE August 8, 2005

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 05-1008 Name change - motor vehicle business group - division of motor vehicles. Changes statutory references to the motor vehicle business group in the department of revenue to the division of motor vehicles.

APPROVED by Governor February 23, 2005

EFFECTIVE July 1, 2005

H.B. 05-1011 Trash and recyclables - transportation - loads. Exempts a transporter of trash and recyclables from covering a load, or utilizing equivalent technology, when the vehicle is loaded in such a manner, or the nature of the load is such, that the contents will not escape from the vehicle.

APPROVED by Governor April 5, 2005

EFFECTIVE April 5, 2005

H.B. 05-1019 Motor vehicle applications - personal identification number of applicant or registrant. Requires applications for registration of a class C, class, D, or class F motor vehicle and applications for filing of a certificate of title to a class C, class, D, or class F motor vehicle to contain the applicant's or registrant's personal identification number as provided on a state-issued driver's license or assigned by the department of revenue.

APPROVED by Governor June 1, 2005

EFFECTIVE January 1, 2007

H.B. 05-1045 Radar jamming devices - prohibited - penalty - exclusion - confiscation and destruction. Makes it a class 2 misdemeanor traffic offense to use, possess, or sell a radar jamming device or to operate a motor vehicle containing a radar jamming device. Excludes certain equipment from the definition of "radar jamming device". Specifies that radar jamming devices may be confiscated and destroyed by court order.

APPROVED by Governor April 22, 2005

EFFECTIVE July 1, 2005

H.B. 05-1068 Registration - personalized license plates - reserving combination. Authorizes a person to reserve the unique combination of letters or numbers issued as a personalized license plate after the motor vehicle is no longer registered. Requires an annual fee of \$25 to reserve such unique combination.

APPROVED by Governor April 7, 2005

EFFECTIVE April 7, 2005

H.B. 05-1069 Collectors - emergency vehicles - emergency signal lamps. Authorizes a collector of a fire engine, fire suppression vehicle, or ambulance to possess emergency signal lamps. Authorizes a collector or member of a volunteer fire department to operate emergency signals in a parade, funeral, or for other special purposes if the circumstances would not lead a reasonable person to believe the vehicle is responding to an actual emergency. Sets the same standard for nonvolunteer fire departments.

Applies to actions occurring on or after July 1, 2005.

APPROVED by Governor April 7, 2005

EFFECTIVE July 1, 2005

H.B. 05-1075 Driver's license - records - minor alcohol offenses. Prohibits the department of revenue from making public nonmotor vehicle-specific underage alcohol convictions.

APPROVED by Governor June 1, 2005

EFFECTIVE June 1, 2005

H.B. 05-1104 Public highway authorities - toll evasion - maximum penalty. Increases the amount of the maximum civil penalty that a public highway authority may impose for a toll evasion from \$100 to \$250.

APPROVED by Governor May 27, 2005

EFFECTIVE August 8, 2005

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 05-1107 Registration - taxation - license plates. Recodifies the statutes addressing the registration and taxation of motor vehicles to clarify, harmonize, modernize, or substantively amend the law, specifically:

- Standardizes, at 16,000 pounds empty weight, the maximum weight of a vehicle that may be issued certain types of special license plates, including military license plates.
- Extends from 10 to 30 days the deadline for notifying the department of revenue (department) of a name or address change of a registered vehicle's owner.
- Extends from 45 to 60 days the time a person has to register a motor vehicle.
- Repeals the requirement that the executive director of the department of personnel approve the process for counties printing registration tabs.
- Eliminates the weight restriction for issuing a uniform license plate for class B vehicles.
- Clarifies that the department will keep the temporary registration fee for the highway users tax fund if it issues such registration.
- Repeals the 12-month waiting period for lost or destroyed license plates.
- Requires any proposal for additional special interest license plates to be submitted to the transportation legislation review committee.
- Authorizes the issuance of U.S. Army special license plates for motorcycles.
- Clarifies that a person may transfer personalized plates to another vehicle that the person already possesses.
- Authorizes the personalization of designer, American Indian, and collectors' special license plates.
- Authorizes county clerks to issue National Guard license plates and allows the issuance of more than one set of plates per person.
- Clarifies that Medal of Honor awardees are exempted from paying registration fees as well as license plate fees.
- Relocates provisions.

Specifies that amendments to section 42-3-211 (7) shall take effect only if Senate Bill 05-041 is enacted and becomes law.

APPROVED by Governor June 3, 2005 **EFFECTIVE** August 8, 2005

NOTE: (1) This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

(2) Senate Bill 05-041 was signed by the governor April 5, 2005.

H.B. 05-1122 Open alcoholic beverage container in motor vehicle - prohibition - exceptions - penalty - local ordinances. Makes it a class A traffic infraction for a person knowingly to drink an alcoholic beverage or possess an open alcoholic beverage container in the passenger area of a motor vehicle while the vehicle is on a public highway or the right-of-way of a public highway. Creates specified exceptions. Clarifies that a statutory or home rule town, city, or city and county may adopt open alcoholic beverage container ordinances that are no less restrictive than the act.

APPROVED by Governor June 3, 2005

EFFECTIVE July 1, 2005

H.B. 05-1137 Permitted drivers - prohibition against cell phone use. Makes driving a motor vehicle by a person holding a temporary instruction permit or a minor's instruction permit while using a cellular telephone or other mobile communication device a secondary traffic offense. Establishes exemptions and a penalty assessment for infractions.

APPROVED by Governor April 14, 2005

EFFECTIVE April 14, 2005

H.B. 05-1140 Motor vehicle registration - late fees - grace period. Changes the late fee for registering a motor vehicle from the greater of 10% of the tax or \$10 to not more than \$10. Allows the late fee to be waived. Authorizes the department or the authorized agent to retain the fee. Instructs the department to place a notice on a registration card that Colorado law provides for a 30-day grace period for registration renewal.

Specifies that the act applies to motor vehicles registered on or after July 1, 2005.

APPROVED by Governor April 27, 2005

EFFECTIVE July 1, 2005

H.B. 05-1151 Traffic violations - highway work zones. Doubles the fines in construction zones for traffic violations within the following categories:

- General traffic violations;
- Signals, signs, and markings violations;
- Rights-of-way violations;
- Pedestrian violations;
- Turning and stopping violations;
- Driving, overtaking, and passing violations;
- Careless driving, including driving under the influence of drugs or alcohol; and
- Motorcycle offenses.

Creates the highway construction workers' safety account in the highway users tax fund. Continually appropriates the money in the fund to be used for work zone safety equipment, signs, and law enforcement.

APPROVED by Governor June 3, 2005

EFFECTIVE August 8, 2005

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 05-1178 Toy vehicle - definition. For purposes of the prohibition against operating a toy vehicle on any roadway in the state, defines "toy vehicle" to include, without limitation, any mini or "pocket" bike or trike or any other vehicle that is not designed, approved, or intended for use on public roadways or highways.

APPROVED by Governor June 3, 2005

EFFECTIVE June 3, 2005

H.B. 05-1187 Emergency vehicle - stationary - failure to yield right-of-way - penalty. Requires drivers of vehicles to yield the right-of-way to stationary authorized emergency vehicles. Specifies that a driver who fails to yield the right-of-way to a stationary authorized emergency vehicle commits the offense of careless driving.

APPROVED by Governor June 1, 2005

EFFECTIVE July 1, 2005

H.B. 05-1214 Motor vehicles - emissions inspections. Clarifies the criteria for determining when a vehicle is exempt from emission testing requirements.

APPROVED by Governor June 1, 2005

EFFECTIVE September 1, 2005

H.B. 05-1218 Bicycle regulation. Permits bicyclists to ride 2 abreast when traffic will not be impeded. Authorizes bicyclists to indicate a right turn by extending the right arm horizontally. Repeals the requirement that a bicyclist riding along a sidewalk dismount before crossing a roadway, but requires the bicyclist to cross in a manner that is safe for pedestrians. Instructs law enforcement agencies to complete accident reports on bicycle accidents resulting in injury or death.

APPROVED by Governor June 3, 2005

EFFECTIVE July 1, 2005

H.B. 05-1247 Special license plate - breast cancer awareness - creation. Creates the breast cancer awareness special license plate for vehicles that do not exceed 16,000 pounds. Directs the department of revenue to work with interested parties to design the plate.

Authorizes issuance of the plate to persons who pay the appropriate fees plus a one-time fee of \$25. Credits the one-time fee to the highway users tax fund. Authorizes issuance of personalized breast cancer awareness special license plates.

APPROVED by Governor June 1, 2005

EFFECTIVE August 8, 2005

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 05-1313 Special license plate - United States Navy - creation. Creates the United States Navy special license plate. Requires a person to submit evidence of service in the United States Navy to qualify for the special plate. Clarifies that honorable service in the armed forces of the United States is a distinctive achievement for the purposes of special license plates.

APPROVED by Governor May 27, 2005

EFFECTIVE August 8, 2005

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

NATURAL RESOURCES

S.B. 05-92 Colorado geological survey - division. Clarifies the status of the Colorado geological survey as a separate division in the department of natural resources.

APPROVED by Governor June 7, 2005

EFFECTIVE July 1, 2005

S.B. 05-186 Species conservation eligibility list - approval - legislative declaration. Gives legislative approval to the expenditure of money from, and the reversion of money to, the operating and capital accounts of the species conservation trust fund for programs submitted by the executive director of the department of natural resources that are designed to conserve native species that have been listed as threatened or endangered under state or federal law, or are candidate species or are likely to become candidate species as determined by the United States fish and wildlife service.

APPROVED by Governor June 1, 2005

EFFECTIVE June 1, 2005

S.B. 05-190 Mining - abandoned sites - reclamation -creation of fund - appropriation. Creates an abandoned mine reclamation fund, consisting of an annual \$500,000 transfer from the operational account of the severance tax trust fund and federal money. Authorizes expenditures from the fund for projects located at hard rock or coal mining operations that have been abandoned and present a high risk to the environment or public safety. Allows project review by the board of county commissioners for the county in which the project is located prior to approval by the mined land reclamation board. Specifies that appropriations from the fund are available for 3 state fiscal years.

Appropriates \$500,000 to the department of natural resources for allocation to the division of minerals and geology for the implementation of the act.

APPROVED by Governor June 1, 2005

EFFECTIVE July 1, 2005

S.B. 05-243 Forests - federal lands - roadless area review task force. Creates the Colorado roadless areas review task force, consisting of the executive director of the department of natural resources, 4 members appointed by the governor, 2 members appointed by the speaker of the house of representatives, 2 members appointed by the president of the senate, one member appointed by the chair of the house agriculture, livestock, and natural resources committee, one member appointed by the chair of the senate agriculture, natural resources, and energy committee, and 2 members appointed by mutual agreement and consent of the governor, the speaker of the house of representatives, and the president of the senate.

Directs the task force to hold public meetings and to make recommendations to the governor regarding the appropriate management of roadless areas in national forests. Specifies that the act becomes effective upon the adoption of a final rule by the federal department of agriculture regarding state petitions for inventoried roadless area management, a decision by the governor to participate in a state

petition process specified in the final rule, the receipt of an adequate implementing appropriation from the federal government, and written notice to the revisor of statutes that the aforementioned conditions have been met.

Repeals the task force after the completion of its work.

APPROVED by Governor June 8, 2005

EFFECTIVE See note below

NOTE: As of publication date of this digest, written notice from the executive director to the revisor of statutes that the conditions contained in the act had been met has not been received.

H.B. 05-1082 Parks and recreation - natural areas - educational and interpretive services - volunteer assistance - agreements with private nonprofit organizations. Allows the division of parks and outdoor recreation in the department of natural resources (division) to contract with nonprofit organizations such as the "Friends of Roxborough Park" for interpretive and educational services. Authorizes park personnel to spend time assisting with such activities. Requires net proceeds from the sale of educational and interpretive materials to be spent to support educational and interpretive activities at the same state park or facility where the sales occurred.

Applies to state parks, state recreation areas, natural areas, and indoor and outdoor facilities and buildings maintained by the division.

APPROVED by Governor March 11, 2005

EFFECTIVE March 11, 2005

H.B. 05-1266 Wildlife - hunting and fishing licenses - Colorado wildlife habitat stamp - review committee - sunset provisions - repeal. Raises a number of statutory wildlife license fees, excluding nonresident big game license fees.

Requires all persons 19 years of age and older or under 65 years of age to purchase a Colorado wildlife habitat stamp when purchasing a hunting or fishing license, other than a one-day license, or before entering any state wildlife areas. Establishes that a person shall not be required to purchase more than two Colorado wildlife habitat stamps within a calendar year. Establishes that any person eligible to acquire a free license shall also receive a Colorado wildlife habitat stamp free of charge. Establishes that a person who is mobility impaired as defined by the wildlife commission rules be issued a Colorado wildlife habitat stamp free of charge.

Creates the Colorado wildlife habitat stamp committee. Sets the repeal date for the committee as December 31, 2010.

Provides funding for the wildlife management public education advisory council with a 75¢ license fee surcharge and repeals the voluntary checkoff for donations to the council.

APPROVED by Governor May 4, 2005

EFFECTIVE January 1, 2006

H.B. 05-1285 Oil and gas - conservation and environmental response fund. Combines the oil and gas conservation fund and the oil and gas environmental response fund into the oil and gas conservation and environmental response fund (the "fund"). Requires the Colorado oil and gas commission to ensure that, on and after July 1, 2007, the 2-year average of the unobligated portion of the fund does not exceed \$2 million at any time and that there is an adequate balance to address environmental response needs. Requires environmental response expenditures to be paid in the first instance from a newly-created environmental response account in the fund.

APPROVED by Governor June 1, 2005

EFFECTIVE July 1, 2005

PROFESSIONS AND OCCUPATIONS

S.B. 05-13 Real estate - licenses - renewal - criminal history record check - appropriation. Requires a fingerprint-based criminal history record check upon renewal of a real estate salesperson's or broker's license. Applies only to those persons licensed before July 1, 2004.

Makes the act contingent upon the passage of and savings realized from House Bill 05-1131.

APPROVED by Governor June 3, 2005

EFFECTIVE July 1, 2005

NOTE: House Bill 05-1131 was signed by the governor June 3, 2005. For more information on the effective date see section 4 of this act.

S.B. 05-58 Alcohol beverage licensee - removal of partially consumed container of vinous liquor. Expands the types of alcohol beverage licensees that may allow a customer to reseal and remove one partially consumed bottle of vinous liquor from the premises of the licensee under certain circumstances.

APPROVED by Governor April 22, 2005

EFFECTIVE April 22, 2005

S.B. 05-95 Liquor licenses - limited winery license. Amends the limited winery license provisions to allow persons who produce not more than 100,000 gallons, or the metric equivalent thereof, of wine from grapes, fruit, and other agricultural products, including honey, in Colorado to be licensed as a limited winery. Eliminates provisions concerning crop utilization.

Allows a licensed limited winery or a manufacturer that is licensed to manufacture vinous liquor to obtain a wine festival permit.

Allows a licensed winery to affix the phrase "Colorado Grown" to bottles of wine of its own manufacture that contain wine produced from 100% Colorado agricultural products.

APPROVED by Governor June 1, 2005

EFFECTIVE June 1, 2005

S.B. 05-145 Certified public accountants - continuation of state board under sunset law - continuing education - temporary practice permits. Repeals the requirement that certified public accountants complete at least 20 hours of continuing education in any year. Authorizes the board to issue temporary practice permits to out-of-state certified public accountants in good standing. Clarifies that a public accounting firm doing business in this state may be owned by a simple majority of certified public accountants from any state.

Extends the automatic termination date of the state board to July 1, 2010, pursuant to the provisions of the sunset law.

APPROVED by Governor April 14, 2005

EFFECTIVE July 1, 2005

S.B. 05-146 Barbers and cosmetologists - continuation of regulation and advisory committee under sunset law - examinations - licensure by endorsement. Continues the regulation of barbers, hairstylists, cosmetologists, cosmeticians, and manicurists and extends the automatic termination date of the advisory committee to assist the director of the division of registrations (director) in carrying out his or her duties (advisory committee) until July 1, 2015. Changes the occupation title of "cosmetician" to "esthetician". Expands the statutory scope of practice for each occupation regulated pursuant to the "Barber and Cosmetologist Act" (act). Repeals the authorization for the director to prepare and submit a report annually to the governor. Allows the director to investigate an alleged violation of the act on his or her own initiative or upon receipt of a complaint. Changes the membership of the advisory committee. Requires the licensing examinations to be periodically updated by the director in consultation with the advisory committee. Changes the way license applicant training is measured from course hours to credit hours. Requires the director to issue a license by endorsement to applicants who meet the statutory requirements.

APPROVED by Governor May 26, 2005

EFFECTIVE July 1, 2005

S.B. 05-147 Respiratory therapists - additional grounds for discipline - prohibition against excessive or habitual use or abuse of alcohol, drugs, or controlled substances - practice by polysomnographic technologists - continuation of regulation of respiratory therapists under sunset law. Continues the regulation of respiratory therapists pursuant to the "Respiratory Therapy Practice Act" through July 1, 2015, and modifies the act in the following respects:

- Adds to the grounds for disciplining respiratory therapists making false or repeatedly incorrect entries or failing to make essential entries on patient records and practicing outside or beyond the therapist's area of training, experience, or competence.
- Repeals the prohibition against addiction to and dependency on alcohol, drugs, or controlled substances and replaces it with a prohibition against excessive or habitual use or abuse of alcohol, drugs, or controlled substances.
- Allows the practice of respiratory therapy by a polysomnographic technologists who are not registered by or do not hold credentials from a nationally recognized organization, but only under the supervision of a respiratory therapist, physician, or specified individuals who are exempt from the "Respiratory Therapy Practice Act".
- Limits the scope of practice of a registered polysomnographic technologist to oxygen titration with pulse oximetry and noninvasive positive pressure ventilation titration.

APPROVED by Governor April 14, 2005

EFFECTIVE July 1, 2005

S.B. 05-155 Certified nurse aide - administration of medication in nursing facility - prerequisites - education - examination administered by state board of nursing - authority granted by board - limitation on authority - grounds for discipline.

Requires a certified nurse aide to meet specific prerequisites before receiving authority as a medication aide to administer medications in nursing facilities. Requires the certified nurse aide applicant to successfully complete education in specified courses intended to provide training and experience in medication administration.

Upon demonstration to the state board of nursing (board) that the applicant has met the prerequisites and successfully completed the required education courses, specifies that if the applicant applies to take a medication administration examination approved by the board and the applicant passes the examination, requires the board to grant the applicant authority to perform limited medication administration tasks in a nursing facility.

Requires the board to promulgate rules regarding medication aides.

Repeals the training, education, and functions of medication aides, effective July 1, 2010, under current sunset law.

Adds the following grounds for discipline of a nurse aide or medication aide:

- Willful or negligent action in a manner inconsistent with the health or safety of persons under the aide's care;
- Willful or negligent practice as a medication aide in a manner that does not meet generally accepted standards for such practice; or
- Willful or negligent violation of an order or rule of the board pertaining to the practice or authorization as a medication aide.

Requires an employer of a medication aide to report the following to the board:

- Conduct of a medication aide that constitutes grounds for discipline; and
- Any disciplinary action taken by the employer against a medication aide or the resignation of a medication aide in lieu of disciplinary action.

Repeals requirements relating to criminal history background checks.

Makes an adjustment to the 2005 general appropriation act.

APPROVED by Governor June 2, 2005

EFFECTIVE August 8, 2005

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 05-187 Pharmacists - supervision - training. Authorizes a pharmacy intern to be a person who is licensed and making the clinical rotations of the nontraditional pharmacy program at the university of Colorado or an equivalent program. Clarifies that a chart order occurs not only at a hospital but at a long-term care facility.

Clarifies that the 500-hour experience requirement to be a supervising pharmacy technician is in the practice of pharmacy.

APPROVED by Governor April 22, 2005

EFFECTIVE August 8, 2005

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 05-1007 Notaries public training - journal of notarial acts. On and after January 1, 2006, requires all applicants for appointment and commission as a notary public to take a course of instruction approved by the secretary of state and pass a written examination on the material covered by the course within the 3 months preceding the application.

Requires all notaries public to keep a journal of all their notarial acts.

VETOED by Governor April 28, 2005

H.B. 05-1016 Corporate practice of physical therapy - exemption for physical therapists practicing in health care agency. Specifies that employment of physical therapists by a certified or licensed hospital, licensed skilled nursing facility, certified home health agency licensed hospice, certified comprehensive outpatient rehabilitation facility, certified rehabilitation agency, authorized health maintenance organization, accredited educational entity, or other entity wholly owned and operated by any governmental unit or agency is not the corporate practice of physical therapy if:

- The relationship created by the employment does not affect the ability of the physical therapist to exercise his or her independent judgment in the practice of the profession;
- The physical therapist's independent judgment is in fact unaffected by the relationship;
- The policies of the entity employing the physical therapist contain a procedure by which complaints by a physical therapist alleging impingement on the physical therapist's ability to exercise independent judgment may be heard and resolved;
- The physical therapist is not required to exclusively refer patients to a specific provider or supplier, but this provision does not invalidate the policy provisions of a contract between a physical therapist and his or her intermediary or the managed care provisions of a health coverage plan; and
- The physical therapist is not required to take any other action he or she determines not to be in the patient's best interest.

APPROVED by Governor April 22, 2005

EFFECTIVE April 22, 2005

H.B. 05-1040 Real estate brokers - licensure - submission of fingerprints to CBI - appropriation. Streamlines the process of submission of fingerprints by applicants for real estate broker licenses by requiring a license applicant to submit a set of

fingerprints directly to the Colorado bureau of investigation (CBI), rather than the real estate commission (commission), for purposes of conducting a state and national fingerprint-based criminal history record check. Specifies that the applicant is to pay the fee for conducting the record check to the CBI, and the CBI is to forward the results of the record check to the commission upon completion.

Makes adjustments to the 2005 general appropriation act.

APPROVED by Governor June 3, 2005

EFFECTIVE August 8, 2005

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 05-1130 Pharmacists, physicians, and prescription drug outlets - electronic prescription drug monitoring program - reporting requirements - creation of fund - appropriation. Makes legislative findings. Creates the prescription controlled substance abuse monitoring advisory committee (committee) subject to termination under the existing sunset law. Directs the committee to advise the state board of pharmacy (board) regarding development, operation, and maintenance of an electronic prescription drug monitoring program (program). Requires the board to develop or procure a program to track prescriptions written for controlled substances in Colorado. Requires the board and the committee to establish a method for prescription drug outlets and pharmacists to submit information to the program about each prescription dispensed.

Requires the board to operate and maintain the program. Limits access to the program data to board staff, prescribers, physicians, pharmacists, law enforcement officials, and patients. Creates the prescription drug monitoring fund (fund) to receive gifts, grants, and donations for the operation of the program. Allows the implementation and operation of the program only if at least \$400,00 is available in the fund by October 1, 2006. Creates a civil penalty for the unauthorized release of program information. Grants immunity to physicians, pharmacists, and prescription drug outlets for good faith participation in the program. Exempts certain hospitals, certain prescription outlets located within a hospital, and emergency services personnel from participation in the program. Repeals the program, effective July 1, 2011.

Appropriates \$147,156 and 3.0 FTE to the department of regulatory agencies for allocation to the division of registrations and the executive director's office. Appropriates \$27,707 to the department of law. Anticipates the receipt of \$400,000 in federal funds for the implementation of this act.

APPROVED by Governor June 3, 2005

EFFECTIVE June 3, 2005

H.B. 05-1136 Notaries public - secretary of state rules - electronic transmission of notarized photographs. Requires the secretary of state to adopt rules establishing standards, procedures, practices, forms, and records relating to the ability of notaries public to transmit encrypted, authenticated photographs of individuals for use by motor vehicle offices, credit card companies, and other entities requiring an authenticated photograph of an individual. Specifies that the rules are to require that

the notary maintain an encryption device or other technology enabling the electronic transmission of secure, authentic photographs.

Allows the notary to charge a fee up to \$10 for each photograph electronically transmitted. Requires the rules to be adopted as soon as administratively feasible, but states that the rules will not take effect until the general assembly, acting by bill, approves the rules.

APPROVED by Governor April 20, 2005

EFFECTIVE August 8, 2005

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 05-1145 Examining board of plumbers - application and renewal fees - apprentice plumbers - misdemeanors. Requires the examining board of plumbers (board) to set and collect fees for application and renewal of a license or registration of a journeyman plumber, residential plumber, apprentice plumber, or plumbing contractor.

Prohibits a journeyman plumber, master plumber, or residential plumber from supervising more than 3 apprentice plumbers at one jobsite. Allows a master plumber to be responsible for no more than one plumbing contractor at a time.

Clarifies the laws governing plumbers to specify that the following acts are class 1 misdemeanors:

- Violating the statutes governing plumbers;
- Practicing as a journeyman plumber, residential plumber, apprentice plumber, master plumber, or plumbing contractor without a license or during a period in which the person's license or registration has been suspended or revoked;
- Selling or fraudulently obtaining or furnishing a license to practice as a journeyman plumber, residential plumber, apprentice plumber, master plumber, or plumbing contractor or aiding or abetting such practice; and
- In connection with any construction or building project requiring the services of any person regulated by the statutes governing plumbers, to willfully disregard or violate:
 - Any building or construction law of this state or any of its political subdivisions;
 - Any safety or labor law;
 - Any health law;
 - Any workers' compensation insurance law;
 - Any state or federal law governing withholdings from employee income including income taxes, unemployment taxes, or social security taxes; or
 - Any reporting, notification, or filing law of this state or the federal government.

Provides that half of any fine imposed by the board shall be credited to the

city, town, county, or city and county in which the offense occurred.

Specifies that registration requirements for plumbing contractors take effect July 1, 2006. The remaining provisions in the act are effective August 8, 2005.

VETOED by Governor May 27, 2005

H.B. 05-1182 Registered social worker - licensed independent social worker - repeal of terms. Repeals the obsolete terms "registered social worker" and "licensed independent social worker". Deletes references to such terms. Clarifies that a registered psychologist candidate is subject to the provisions of law governing mental health professionals.

APPROVED by Governor April 5, 2005

EFFECTIVE April 5, 2005

H.B. 05-1209 Pharmacists - drug compounding. Raises from 5% to 10% of total sales the amount of drugs, in relation to total annual sales, that a pharmacist may sell to a person or entity that is not a consumer of the drugs. Instructs the state board of pharmacy to promulgate rules authorizing a pharmacist to compound drugs. Instructs the director of the division of registrations to create a task force to study drug compounding and make recommendations to the joint legislative oversight committee.

APPROVED by Governor June 1, 2005

EFFECTIVE June 1, 2005

H.B. 05-1236 Alcohol beverages - on-premises alcohol beverage licenses. Establishes that, except with regard to a club license, any owner, part owner, shareholder, or person interested directly or indirectly in one kind of retail on-premises alcohol beverage license may have an interest in other kinds of retail on-premises alcohol beverage licenses.

APPROVED by Governor April 27, 2005

EFFECTIVE August 8, 2005

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 05-1264 Real estate - recovery fund - repeal - appropriation. Repeals the real estate recovery fund ("fund"). Transfers the unencumbered balance of and revenues formerly deposited in the fund to the division of real estate cash fund. Allows recovery claims to be made only against the transferred balance and then from the general fund. Prohibits claims that previously could have been initiated against the fund unless the civil action was initiated no later than 30 days after the effective date of the act. Repeals the real estate recovery program once the final claim against the transferred balance or the general fund has been paid.

Appropriates \$203,643 to the department of regulatory agencies for allocation to the division of real estate for the implementation of the act and decreases the 2005-06 general appropriation act to the department by \$214,961.

PROPERTY

S.B. 05-100 Common interest communities - homeowners' associations - condominiums - covenants - rights and duties of unit owners - association executive boards - conflicts of interest - organization - administration - meetings - voting - dispute resolution - attorney fees - xeriscaping - political speech. Prohibits the homeowners' association (HOA) of a common interest community from adopting covenants or rules that prevent a unit owner from:

- Displaying an American flag, military service flag, or political sign;
- Removing trees and brush or replacing flammable roofing material for fire mitigation purposes; or
- Parking an emergency vehicle in the community, if the unit owner is employed by a fire department or other provider of emergency services and must have ready access to the vehicle as a condition of employment.

Invalidates any new or existing covenant or condition, including the requirement for an architect's stamp or change fee, that prohibits or discourages a unit owner from employing xeriscape or that requires landscaping to consist exclusively or primarily of turf grass. Allows an HOA to take enforcement action against a unit owner that allows the unit owner's existing landscaping to die, except during a period of water use restrictions.

Requires the buyer of a home in a community subject to an HOA to receive notice and documentation regarding the need for architectural approval of any changes to the property and the right of the HOA to place a lien on the property for unpaid assessments. Also requires the seller to provide to the buyer a copy of the HOA's covenants, rules, bylaws, and current financial information. Makes the seller liable for any damages caused by the failure to provide such information unless the failure resulted from the HOA's refusal to cooperate with the seller in furnishing documents.

Requires the HOA to furnish to all unit owners in writing, at least once per year:

- Current contact information for the HOA and its management company or agent;
- Current financial information, including an operating budget, a list of all insurance policies, and a list of all applicable assessments;
- Minutes of all meetings held during the year;
- Copies of the bylaws, articles, rules, and responsible governance policies; and
- The results of its most recent annual financial audit or review, which must be conducted at least once every 2 years.

Clarifies that a management company must comply with all laws that govern the conduct of the HOA, when the management company acts on behalf of the HOA. Requires that the management company's contract be terminable for cause without penalty to the HOA. States that the form of organization of the HOA (as a

corporation, nonprofit entity, etc.) does not affect its legal rights and obligations.

Encourages HOAs to enter into agreements with lenders so that a unit owner's mortgage payment and monthly assessment can be combined into a single payment.

Enacts open meeting provisions. Requires the HOA executive board to give unit owners a reasonable opportunity to speak before taking action on a community issue. Specifies that notice of meetings must be given in advance, by posting in a conspicuous place whenever feasible. Requires elections to the executive board and votes on other community matters to be taken by secret ballot, with the results reported by a neutral party. Invalidates any proxy obtained through fraud or misrepresentation.

Where notice to first mortgage holders is required for any changes to the declaration (containing the covenants), allows notice by mail to the last known address of such mortgage holders, and presumes consent if no objection is given within 60 days. Invalidates any covenant that requires greater than a 67% supermajority to amend the declaration.

Enacts conflict-of-interest rules for board members. Invalidates any action taken, and any contract entered into, in which a board member has an undisclosed conflict of interest.

Requires the board to follow generally accepted accounting principles in financial records and adopt clear policies regarding collection of assessments, conflicts of interest, conduct of meetings, enforcement of covenants, and other matters.

Allows board members to be reimbursed for educational meetings and seminars on good governance for HOAs. Requires some form of education/information to be offered to unit owners annually regarding the general operation of the HOA and the rights and responsibilities of unit owners and the board under Colorado law.

Requires the financial records of the HOA to be audited or reviewed at least once every 2 years; except that an audit is only required if the HOA has annual revenues or expenditures of \$250,000 or more and at least 1/3 of the unit owners request an audit.

Encourages alternative dispute resolution. In cases of conflict between a unit owner and the HOA, makes the following changes to provisions governing the assessment of attorney fees:

- There can be no automatic liability for attorney fees and collection costs except in connection with "assessments or any money or sums due to the association". In all other cases, an award of attorney fees against a unit owner depends upon whether the unit owner was alleged to have violated a statute or covenant or rule of the HOA and, if so, whether the allegation was proven in court.
- If the HOA sues, or is sued by, a unit owner and the unit owner prevails, prohibits the HOA from assessing the unit owner for its attorney fees incurred in defending the action.

- Allows awarding of attorney fees to the prevailing party in litigation, but the HOA may be awarded attorney fees only if the unit owner's claim or defense was "frivolous".
- Voids all covenants requiring a unit owner to confess judgment for attorney fees or collection costs.

Enacts open records requirements for books and records of the HOA. Allows the HOA to charge a reasonable fee, not to exceed the HOA's actual cost, for copies. Requires that a records request be made in good faith, for a proper purpose, and adequately describe the records that are sought. Exempts privileged information such as that pertaining to pending litigation or personnel matters.

Allows a community that was merged with another under existing law to withdraw under specified circumstances, if the withdrawal would not inhibit the remaining community's ability to enforce existing covenants, maintain existing facilities, or continue to exist.

When property damage occurs and there is a question of whether the property is part of a unit or part of the common property, allows a unit owner to submit a claim directly to the HOA's insurer as though the unit owner were an additional named insured.

Exempts time-share units, and HOAs that include time-share units, from specified provisions of the act. Delays the effectiveness of most provisions until January 1, 2006, except for those provisions pertaining to xeriscape, fire mitigation, political speech, parking of emergency vehicles, and withdrawal from merged communities.

APPROVED by Governor June 6, 2005

EFFECTIVE June 6, 2005

H.B. 05-1058 Tenants and landlords - mobile homes - home owner meetings - rental agreements - basic rights. States that the home owners in a mobile home park shall have the right to establish a homeowners' association.

Requires the terms of a tenancy to be specified in a written rental agreement. Specifies that the standard rental agreement shall be for a month-to-month tenancy, that subject to certain conditions, upon written request by a home owner to the landlord, the landlord shall allow a rental agreement for a fixed tenancy of not less than one year, and that a landlord may allow for a lease for a fixed period of longer than one year.

Requires a landlord of a mobile home park to give notice to the mobile home owners if the landlord intends to change the use of the land comprising the park or sell the park. Allows one or more members of the homeowners' association of a mobile home park to form a cooperative for the purposes of offering to purchase or finance a mobile home park. Specifies that participation in a cooperative is voluntary.

States that every home owner in, and landlord of, a mobile home park shall have the right to the following: protection from abuse or disregard of state or local law by the landlord or the home owners; peaceful enjoyment of the home owner's

mobile home space, free from unreasonable, arbitrary, or capricious rules and enforcement thereof; and tenancy free from harassment or frivolous lawsuits by the landlord and home owners. Creates a private civil right of action for any home owner in a mobile home park against a landlord who violates any statutory protections offered to the home owner. Specifies the home owner in any such action shall be entitled to actual economic damages and may be entitled to attorney fees and costs.

APPROVED by Governor April 5, 2005

EFFECTIVE August 8, 2005

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 05-1061 Landlords and tenants - maximum late fees - notice - security deposit. Requires a landlord to give a copy of a written lease to a tenant. Establishes the maximum late fee for late rent. Requires a landlord who is evicting a tenant to give the tenant a written notice with specific information about the eviction proceedings. With certain specified exceptions, prohibits a lease from including a waiver of statutory protections for a tenant. Identifies persons to whom the foregoing restrictions and requirements do not apply.

Reduces the maximum time that a landlord may retain a security deposit from 60 to 45 days.

VETOED by Governor May 5, 2005

H.B. 05-1168 Public trustees - administrative matters. Clarifies that the cost for opening and administering a foreclosure on a deed of trust where the original principal amount of the indebtedness secured does not exceed \$480,000 is \$150. Permits a public trustee to display or provide a written copy of specified information at a public trustee's sale as an alternative to reading the information. Permits a public trustee or sheriff to allow an owner of an evidence of debt secured by the deed of trust, mortgage, or other lien to be foreclosed or the attorney for such owner to establish an account to be used to pay the fees and expenses related to foreclosures filed by the owner or attorney. Permits a public trustee to post or provide notice of a continuance of a foreclosure sale as an alternative to making an oral announcement of the continuance. Clarifies that any document related to a foreclosure may be accepted or made available to the public trustee or sheriff in an electronic format, and makes a conforming amendment to the "Uniform Electronic Transactions Act" related thereto. Permits every certificate of purchase and certain certificates of redemption to be assignable by a separate assignment instead of just by an endorsement on the certificate.

APPROVED by Governor April 27, 2005

EFFECTIVE August 8, 2005

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 05-1169 Tenancy and residential lease violations - exceptions in cases of

domestic violence or abuse. Amends forcible entry and detainer laws to provide that, when a tenant is the documented victim of domestic violence or domestic abuse, the alleged lease violations shall not constitute an unlawful detention of real property and shall not cause the tenant to be guilty of an unlawful detention of real property if the domestic violence or domestic abuse was the cause of or resulted in the alleged unlawful detention. Preserves a landlord's right to seek judgment for possession against the tenant or lessee of the premises who perpetuated the violence or abuse that was the cause of or resulted in the alleged unlawful detention.

Allows a tenant to terminate a lease agreement and to vacate the leased premises if he or she provides written notice and documentation to the landlord that he or she is the victim of domestic violence or domestic abuse. In such circumstances, requires the tenant to pay one month's rent within 90 days after vacating the premises, if the landlord has experienced and documented damages equal to at least one month's rent as a result of the tenant's early termination of the agreement. Specifies that a landlord may not terminate a lease and evict a tenant solely because the tenant is the victim of domestic violence or domestic abuse.

Makes provisions of the act applicable to lease and rental agreements entered into on or after July 1, 2005.

APPROVED by Governor April 27, 2005

EFFECTIVE July 1, 2005

H.B. 05-1192 Termination of a planned community - notice to municipality or county. Prohibits a planned community that is required to exist pursuant to a development or site plan from terminating unless a copy of the termination agreement is sent to the governing body of every municipality in which a portion of it is situated or, if the planned community is situated in an unincorporated area, the board of county commissioners for every county in which a portion of it is situated.

APPROVED by Governor June 3, 2005

EFFECTIVE August 8, 2005

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 05-1195 Deeds - conveyance of grantor's interest in vacated right-of-way - exception. Specifies that every deed shall be a conveyance of the grantor's interest, if any, in any vacated street, alley, or other right-of-way that adjoins the subject real property unless the transfer of such interest is expressly excluded in the deed.

APPROVED by Governor April 27, 2005

EFFECTIVE April 27, 2005

H.B. 05-1345 Animals - lien for care and feeding. Clarifies conflicting references in statutes governing liens for the care and feeding of animals. Removes references related to horses, mules, asses, cattle, sheep, and hogs from one statute that are governed by a separate agistor's lien statute. Replaces the phrase "dogs, cats, or other domestic animals" with the defined phrase "pet animals" for purposes of the remaining statute.

APPROVED by Governor May 27, 2005

EFFECTIVE May 27, 2005

PUBLIC UTILITIES

S.B. 05-1 Low-income energy assistance - program - optional charge to customers - energy outreach Colorado. Requires electric and gas utilities doing business in Colorado to participate in the energy assistance program (program) and to provide the opportunity for utility customers to make an optional energy assistance contribution beginning September 1, 2006. Requires the public utilities commission (PUC) to determine a mechanism whereby the contributions will be collected from customers who give notice of the intent to contribute to the program. Requires the PUC to initiate rule-making proceedings to establish the program, encourage utilities to notify customers about the program, require each utility to notify customers about the opt-in provision in the program, require each utility to consider the most cost-effective methods for implementing the program, and to make sure there is a mechanism for the customer to opt out of the program. Allows municipally owned gas, electric, and gas and electric utilities and cooperative electric associations to self-certify alternative energy assistance programs if they have one in place and be exempt from the program. Requires money from the energy assistance contributions to be transferred to Energy Outreach Colorado (EOC) on a quarterly schedule. Requires the EOC to use the contributions to provide low-income energy assistance and to improve energy efficiency. Priority for assistance shall be given to the recipients of an old age pension, aid to the needy disabled, aid to the blind, supplemental social security benefits, and Colorado works assistance. Requires the EOC to submit a written report to the general assembly, the legislative audit committee, and the office of the state auditor on an annual basis.

APPROVED by Governor May 5, 2005

EFFECTIVE May 5, 2005

S.B. 05-15 Motor carrier insurance requirements - specified in public utilities commission rule. Repeals provisions specifying the minimum amounts of insurance or surety bonds required to be maintained by motor carriers on each motor vehicle operated by the carrier and instead authorizes the public utilities commission to specify the amounts and the form of the insurance or surety bonds by rule.

APPROVED by Governor April 14, 2005

EFFECTIVE August 8, 2005

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

S.B. 05-29 Motor vehicle carriers exempt from regulation as a public utility - regulation. Allows the public utilities commission ("commission") to revoke the registration of any motor vehicle carrier exempt from regulation as a public utility. Authorizes the commission to file suit to enjoin or redress potential or actual violations. Gives the commission general rule-making authority for all such carriers.

APPROVED by Governor April 14, 2005

EFFECTIVE August 8, 2005

NOTE: This act was passed without a safety clause. For further explanation

concerning the effective date, see page vi of this digest.

S.B. 05-78 Emergency telephone service - charges - usage. Authorizes governing bodies to use emergency telephone service charges to reimburse public safety answering points for costs for radio equipment necessary to establish statewide public safety communications interoperability. Makes all telephone customers liable for emergency telephone service charges, and creates an exception for basic emergency service providers and local exchange providers with respect to lines that are not exchange access facilities.

VETOED by Governor May 6, 2005

S.B. 05-143 Electric utilities - renewable energy sources - portfolio standards - implementation of 2004 initiated measure. Adopts statutory changes in furtherance of "Amendment 37", the initiated measure requiring that specified percentages of the electricity sold in Colorado in coming years be derived from renewable energy sources, as passed by Colorado voters in November of 2004.

Clarifies the jurisdictional reach of the measure with regard to municipally owned utilities, which are exempt from most regulation under the Colorado constitution, and cooperative electric associations whose customer/shareholders have exempted themselves from regulation under preexisting statutes. Provides a mechanism for the allocation of renewable energy credits in the case of a utility that is both a buyer and a seller of electricity. Adopts provisions to apply the energy standards to utilities that are not now, but during the years of transition to full implementation of the standards will become, "qualifying retail utilities" subject to the measure.

Clarifies that the restrictions on the use of eminent domain by utilities do not affect the eminent domain rights of home rule municipalities. Makes technical and stylistic changes to harmonize with existing statutes.

APPROVED by Governor April 14, 2005

EFFECTIVE August 8, 2005

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 05-1102 Motor vehicle carriers - annual identification fee - period. Specifies that the annual vehicle identification fee paid by various motor vehicle carriers to the public utilities commission is valid for the calendar year in which the fee is paid.

APPROVED by Governor March 11, 2005

EFFECTIVE August 8, 2005

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 05-1133 Natural gas utilities - residential energy efficiency programs - funding - cost recovery mechanisms - rules. Directs the public utilities commission (PUC)

to adopt rules establishing funding and cost-recovery mechanisms for distributors of natural gas to develop and implement residential energy efficiency and conservation programs. Allows participating utilities to earn a 2% additional return on energy efficiency program investments. Requires periodic reports from the utilities and PUC review and approval of such programs.

VETOED by Governor June 3, 2005

H.B. 05-1203 Telecommunications - high cost support mechanism - equitable distribution. Defines "distributed equitably" and "nondiscriminatory and competitively neutral basis", in connection with the distribution by the public utilities commission of high cost support mechanism funding to eligible providers, to require regulatory principles that are neutral in their effect, that do not favor one class of providers over another, that do not cause any eligible telecommunications provider to experience a reduction in its high cost support mechanism support revenue requirement based upon commission rules that are not applicable to other telecommunications providers, and that do not result in the imposition of regulatory requirements or costs on one class of eligible providers that are not imposed on others.

Applies to the distribution of high cost support mechanism funding occurring on or after July 1, 2005.

APPROVED by Governor May 4, 2005

EFFECTIVE July 1, 2005

H.B. 05-1224 Public utilities commission - collaboration with general assembly. Directs the public utilities commission (PUC) to meet at least twice per year with the statutory, 18-member standing committee of the general assembly known as the legislative council (committee) for an informal briefing.

VETOED by Governor May 25, 2005

H.B. 05-1291 Cooperative electric associations - method of reimposing public utilities commission regulation. Requires that signatures on petitions seeking to reimpose public utility commission regulation over cooperative electric associations be collected from member-consumers within a 6-month period immediately preceding the submission of the petition to the association's board of directors.

Specifies that no petition circulated shall be valid unless the petition sponsor notifies the board of directors in writing prior to circulation for signatures.

Expands board of directors certification of the petition to include determining whether the signatures were gathered in the 6-month period.

APPROVED by Governor April 20, 2005

EFFECTIVE April 20, 2005

STATUTES

S.B. 05-20 Obsolete statutes - repeal. Repeals numerous outdated provisions in the Colorado revised statutes.

APPROVED by Governor April 14, 2005

EFFECTIVE April 14, 2005

H.B. 05-1097 Colorado Revised Statutes - enactment of 2004 statutes. Enacts the softbound volumes of Colorado Revised Statutes 2004 as the positive and statutory law of the state of Colorado and establishes the effective date of said publication.

APPROVED by Governor February 23, 2005 **EFFECTIVE** February 23, 2005

H.B. 05-1337 Revisor's bill. Amends or repeals various statutory provisions that are obsolete, inconsistent, or in conflict with other law, clarifies the language and more accurately reflects the legislative intent of the laws.

Makes specified provisions effective contingent on the passage of House Bill 05-1266 and Senate Bills 05-038 and 05-185.

APPROVED by Governor June 1, 2005

EFFECTIVE June 1, 2005

NOTE: House Bill 05-1266 was signed by the governor May 4, 2005; Senate Bill 05-038 was signed by the governor June 1, 2005; and Senate Bill 05-185 was signed by the governor June 1, 2005.

TAXATION

S.B. 05-52 Income tax - voluntary contribution program for military family relief - creation of fund - appropriation. Creates the military family relief fund (fund) in the state treasury. Authorizes the adjutant general of the state to accept gifts, grants, and donations to the fund. States that the fund shall consist of such gifts, grants, and donations and contributions from the military family relief voluntary contribution that appears on the state income tax form.

Directs the adjutant general to transfer any gifts, grants, or donations to the fund to the state treasurer who shall credit the same to the fund. States that all moneys remaining in the fund at the end of a fiscal year shall be transferred to the Colorado national guard foundation (foundation), a Colorado nonprofit organization.

Directs the foundation to use the moneys from the fund to make grants to national guard members or reservists or to the families of national guard members or reservists. Directs the foundation to establish criteria for awarding grants. Specifies certain requirements that a national guard member or reservist shall meet to be qualified to receive a grant. States that the department of veterans and military affairs shall have the authority to oversee the grants issued by the foundation.

In the event that the military family relief voluntary contribution program is not continued or reestablished, allows the foundation to donate moneys remaining in the fund to the western slope military veterans' cemetery fund.

For income tax years commencing on or after January 1, 2005, but prior to January 1, 2008, requires that a voluntary contribution designation line for the fund appear on individual income tax return forms.

Directs the department of revenue to determine annually the total amount designated to the fund and to report such amount to the state treasurer, to the adjutant general, and to the committees of the senate and the house of representatives that address veterans and military affairs issues. Directs the state treasurer to credit such amount to the fund.

Requires the general assembly to appropriate annually from the fund to the department of revenue its costs of administering moneys designated as contributions to the fund.

APPROVED by Governor May 27, 2005

EFFECTIVE May 27, 2005

S.B. 05-56 Property tax appeal - sustained appeal - notice requirements prior to receipt of refund. Establishes that the appellant in a sustained property tax appeal shall provide a copy of the order or judgment of the board of assessment appeals or district court to the county assessor. If the order or judgment has been appealed, the appellant shall present to the county assessor a copy of the original order or judgment of the board of assessment appeals or district court and copies of all further decisions of the board of assessment appeals, district court, court of appeals, and supreme court.

Upon presentation to the treasurer by the county assessor of a copy of the order or judgment of the board of assessment appeals or district court and, in the event of an appeal, any further decisions of the board of assessment appeals, district court, court of appeals, or supreme court, the treasurer shall pay to the appellant, if the appellant is identified as the petitioner or plaintiff on the order or judgment, the appropriate refund of taxes, delinquent interest, refund interest, costs, and witness fees.

APPROVED by Governor April 5, 2005

EFFECTIVE April 5, 2005

S.B. 05-105 Taxation - property tax - alternate protest and appeal procedure. Modifies the alternative protest and appeal procedure that currently allows certain large counties additional time to determine objections and protests regarding the valuation, taxable status, or ownership of property so that the objections or protests are subject to the same deadlines regardless of whether the property at issue is real or personal. Authorizes all counties to elect to use the alternative protest and appeal procedure.

APPROVED by Governor April 27, 2005

EFFECTIVE April 27, 2005

S.B. 05-154 Property tax - county treasurer - installment or full payments. Clarifies that the property tax payment received by the county treasurer must be the installment or full payment, including any penalties or fees due.

APPROVED by Governor April 14, 2005

EFFECTIVE April 14, 2005

S.B. 05-201 Severance tax trust fund - use of moneys for LEAP program - appropriation. Authorizes the appropriation of moneys from the operational account of the severance tax trust fund to increase funding for the low-income energy assistance program of the department of human services and appropriates \$7,600,000 from the account for such purpose.

APPROVED by Governor May 5, 2005

EFFECTIVE May 5, 2005

S.B. 05-222 Gasoline and special fuel tax - tax imposed - tax collection - reporting. Reorganizes existing law so that both special fuel and gasoline shall be taxed by the gallon and will each be provided the same allowances for losses in transit and costs of collection.

Requires electronic funds transfers for gasoline and special fuel tax remittances and changes the due date for such remittances. Changes the due dates for filing of reports. Repeals obsolete provisions in the statute.

APPROVED by Governor June 1, 2005

EFFECTIVE July 1, 2005

S.B. 05-232 Homestead property tax deferral program - subordination agreements - delayed repayment of loans for deferred real property taxes. Eliminates the

requirement that a property may not be eligible for the homestead property tax deferral program (program) unless there are no liens of a mortgage or deed of trust that have been of record for less than 5 years, or, if there are such liens, there is a subordination agreement with the holder of the mortgage or deed of trust. On or after January 1, 2006, establishes that a property shall not be eligible for the program unless either of the following applies to the property:

- The owner of the property is a person who is 65 years of age or older, and the total value of all liens of mortgages and deeds of trust on the property, excluding any mortgage or deed of trust that the holder has agreed, on a form designated by the state treasurer, to subordinate to the lien of the state for deferred taxes, is less than or equal to 75% of the actual value of the property, as determined by the county assessor.
- The owner of the property is a person called into military service, and the total value of all liens of mortgages and deeds of trust on the property, excluding any mortgage or deed of trust that the holder has agreed, on a form designated by the state treasurer, to subordinate to the lien of the state for deferred taxes, is less than or equal to 90% of the actual value of the property, as determined by the county assessor.

Establishes that a loan for deferred real property taxes, including accrued interest, of a taxpayer who was a person called into military service shall not become payable upon the death of the taxpayer if the property is the homestead of the surviving spouse of the taxpayer and the property meets other statutory requirements.

APPROVED by Governor June 1, 2005

EFFECTIVE June 1, 2005

H.B. 05-1051 Income tax - voluntary contribution for Colorado watershed protection fund. Extends the period that state income tax return forms shall include a line whereby individual taxpayers may make a voluntary contribution to the Colorado watershed protection fund.

APPROVED by Governor June 1, 2005

EFFECTIVE June 1, 2005

H.B. 05-1053 Income tax - voluntary contribution for military family relief - expand to include active duty military. Expands the voluntary contribution program for military family relief by allowing active duty military members stationed in Colorado, and the families of active duty military members stationed in Colorado, to be eligible to receive grants from the military family relief fund.

Directs the Air Force society and army emergency relief to work in cooperation to develop criteria for awarding grants to active duty military members, subject to certain eligibility requirements.

Specifies that each active duty military member or the family of an active duty military member may apply to the Air Force aid society or Army emergency relief, as appropriate, for one grant per deployment to a zone in which the active duty military member qualifies to receive hostile fire pay or the equivalent. Specifies that if the Air Force society or Army emergency relief determine that an active duty

military member or the family of an active duty military member is eligible to receive a grant, the Air Force society or Army emergency relief shall notify the Colorado National Guard foundation. States that upon receipt of notification, the foundation shall issue the grant. Specifies that moneys from the fund shall be awarded for grants on a first-come, first-served basis.

States that the act is contingent on the passage of Senate Bill 05-52.

APPROVED by Governor May 27, 2005

EFFECTIVE May 27, 2005

NOTE: Senate Bill 05-052 was signed by the governor May 27, 2005.

H.B. 05-1056 Income tax - voluntary contribution for Alzheimer's association - administration of moneys - appropriation. Creates the Alzheimer's association fund in the state treasury. Requires that for income tax years commencing on or after January 1, 2005, but before January 1, 2008, a voluntary contribution designation line for the fund shall appear on individual income tax return forms.

Directs the department of revenue to determine annually the total amount designated to the Alzheimer's association fund and to report such amount to the state treasurer and the general assembly. Directs the state treasurer to credit such amount to the fund.

Requires the general assembly to appropriate annually from the Alzheimer's association fund to the department of revenue its costs of administering moneys designated as contributions to the fund. States that all moneys remaining in the fund at the end of a fiscal year shall be transferred to the Alzheimer's association Colorado chapter for the association to administer in furtherance of the association's work in providing family support services and caregiver education.

Makes an appropriation of \$350 from the Alzheimer's association fund to the department of revenue.

APPROVED by Governor May 12, 2005

EFFECTIVE May 12, 2005

H.B. 05-1125 Charitable contribution deduction - changes to TABOR refund mechanism. For income tax years commencing on or after January 1, 2006, reduces the amount of excess state revenues necessary to trigger the method of refunding portions of the excess state revenues required to be refunded in accordance with the state constitution that provides nonitemizing state income taxpayers a charitable contribution deduction.

Establishes that if voters approve, by a simple majority, at the November 2005 statewide election, a revenue change pursuant to the state constitution, or otherwise modify the provisions of the state constitution in a manner that provides additional revenue for expenditure by the state, then no excess state revenues are necessary for the charitable contribution deduction to apply.

States that if such revenue change or modification approved by the voters is for a limited time, at the end of that period the state income tax modification shall be allowed when the excess state revenues are at the level established commencing income tax year January 1, 2006.

BECAME LAW April 8, 2005

EFFECTIVE April 8, 2005

H.B. 05-1189 Income tax - voluntary contribution for Colorado CASA - name change. Changes the name of the court-appointed special advocates (CASA) fund to Colorado CASA - a voice for abused and neglected children fund.

Extends the period that state income tax return forms shall include a line whereby individual taxpayers may make a voluntary contribution to the Colorado CASA - a voice for abused and neglected children fund.

APPROVED by Governor June 2, 2005

EFFECTIVE June 2, 2005

H.B. 05-1221 Cigarette wholesalers and wholesale subcontractors - tobacco product distributors and distributing subcontractors - license requirements. Prohibits a wholesaler from being issued a new or renewed license to sell or offer to sell cigarettes in this state unless the wholesaler:

- Does not owe the state any delinquent taxes administered by the department of revenue (department), which is an increase over the current requirement that the wholesaler not be delinquent with respect to a list of specified taxes;
- Has a current sales tax license;
- Has purchased or will purchase cigarettes from at least one manufacturer that is either part of the master settlement agreement or places funds into a qualified escrow account; and
- Files a surety bond issued by a company authorized to do business in this state with the department.

Reduces the amount of the surety bond for each consecutive preceding year the wholesaler has not been delinquent in the payment of the cigarette tax. Requires a wholesaler to pay cash or certified funds for any cigarette tax stamps that exceed the amount of the wholesaler's anticipated monthly purchases of stamps.

Prohibits a distributor from being issued a new or renewed license to sell or offer to sell tobacco products in this state unless the distributor:

- Does not owe the state delinquent taxes administered by the department; and
- Has a current sales tax license.

Requires the department to revoke a wholesaler's or distributor's license if the wholesaler or distributor owes the state any delinquent taxes administered by the department.

Creates a new license for a person who is a wholesale subcontractor or a distributing subcontractor. Establishes requirements to obtain or renew such licenses.

APPROVED by Governor June 1, 2005

EFFECTIVE June 1, 2005

H.B. 05-1244 Income tax - conservation easement credit. Authorizes the executive director of the department of revenue to require additional information from taxpayers and transferees claiming an income tax credit for the donation of a perpetual conservation easement (credit). Authorizes the executive director, for good cause shown, to review and accept or reject the appraisal value of the easement, the amount of the credit, and the validity of the credit based upon the internal revenue code and federal regulations in effect at the time of the donation.

If a taxpayer transfers a credit to a transferee, requires the transferee to purchase the credit prior to the deadline for filing the transferee's income tax return. Provides that a credit shall survive the death of an individual and may be claimed or transferred by the individual's estate in specified circumstances.

Specifies that the donor of a conservation easement or the transferor of the credit shall be the tax matters representative with respect to the credit. Specifies the responsibilities of the tax matters representative. Provides that final resolution of disputes regarding a credit between the department of revenue and the tax matters representative shall be binding on the transferees.

APPROVED by Governor June 7, 2005

EFFECTIVE June 7, 2005

H.B. 05-1251 Publicly traded partnerships - nonresident partners - composite returns and payments. States that a publicly traded partnership may not file a composite income tax return or make composite tax payments on behalf of its nonresident partners.

Exempts a publicly traded partnership from the requirement either to file with the department of revenue an agreement by each nonresident to pay the income tax on the nonresident partner's share of income attributable to this state or to pay the income tax on behalf of each nonresident partner.

APPROVED by Governor April 7, 2005

EFFECTIVE August 8, 2005

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 05-1262 Tobacco tax - implementation - distribution - appropriation. Creates in the state treasury the tobacco tax cash fund ("cash fund"). Specifies that the cash fund shall consist of moneys collected from the cigarette and tobacco taxes imposed pursuant to section 21 of article X of the state constitution ("tobacco tax"). Requires 3% of the moneys annually collected to be allocated as follows:

20% of the moneys:

- For fiscal years 2004-05 and 2005-06 to the state's general fund for health-related purposes; and
- For fiscal year 2006-07 and each fiscal year thereafter, 50% to provide immunizations performed by county public health nursing services and 50% to augment hospital reimbursement rates under the state's medicaid program for regional pediatric trauma centers.

50% of the moneys:

- Beginning in fiscal year 2004-05 to the supplemental old age pension health and medical care program.

30% of the moneys:

- Beginning in fiscal year 2004-05 to municipal and county governments.

Prohibits tobacco tax from being utilized for the purposes of lobbying or to support or oppose any ballot issue or ballot question.

Makes the necessary statutory changes for the department of revenue to levy and collect the tobacco tax. Requires the wholesalers and distributors to electronically remit tobacco tax payments to the department of revenue. Authorizes the department of revenue to require wholesalers and distributors to file tax returns electronically.

Establishes separate funds for the allocation of the moneys collected as tobacco tax, as follows: 46% of the moneys to the health care expansion fund; 19% to the primary care fund; 16% to the tobacco education programs fund; and 16% to the prevention, early detection, and treatment fund. Requires that the tobacco tax moneys collected and the interest earned on those moneys be used for specified purposes.

Health care expansion fund

- To increase eligibility in the children's basic health plan for children and pregnant women from 185% to 200% of the federal poverty level;
- To remove the asset test under the medical assistance program for children and families;
- To expand the number of children that can be enrolled in specified children's home- and community-based service waiver programs;
- To increase eligibility in the medical assistance program to at least 60% of the federal poverty level for a parent of a child who is eligible for the medical assistance program or the children's basic health plan;
- To fund medical assistance to specified legal immigrants;
- To pay for enrollment increases above the average enrollment for state fiscal year 2003-04 in the children's basic health plan;
- To provide \$540,000 annually for cost-effective marketing to increase the enrollment of eligible children and pregnant women in the children's basic health plan; and
- To provide presumptive eligibility to pregnant women under the medical assistance program.

Reserve:

Specifies that all fiscal year 2004-05 revenues transferred to the health care expansion fund ("fund") minus specified administrative costs shall remain in the

fund as a reserve. Beginning in fiscal year 2005-06, specifies that 10% of moneys annually allocated to the fund and any unencumbered and unexpended moneys at the end of any fiscal year shall remain in the fund and be added to the reserve until the reserve balance is equal to the amount annually transferred to the fund. Specifies how much of and under what circumstances the moneys in the reserve may be expended.

Primary care fund

- Annually allocates all moneys to eligible qualified providers, who comply with specified reporting requirements, based on the number of uninsured or medically indigent patients served by the provider in proportion to the total number of uninsured or medically indigent patients served by all eligible qualified providers in the previous calendar year.

Tobacco education programs fund

- Allows for the interest earned on the tobacco education programs fund to be used to give credit to wholesalers and distributors for taxes paid on cigarettes and other tobacco products that are bad debts.
- Annually appropriates moneys in the tobacco education programs fund to the tobacco education, prevention, and cessation grant program ("grant program").
- Annually appropriates up to \$350,000 to the division of liquor enforcement for the purposes of enforcing laws related to the sale of tobacco to minors.

Makes modifications to the current grant program, including allowing an entity to apply for a grant under the program for the purpose of evaluating the entire statewide program or individual components of the program. Requires that:

- At least 15% of the grant moneys shall be annually awarded to grantees for the purposes of providing funding to eliminate health disparities among minority populations and high-risk populations.
- The majority of the moneys awarded under the grant program shall be for programs that prevent and reduce tobacco use among youth and young adults.
- Up to 15% of the moneys annually awarded through the grant program shall be to grantees of the Tony Gramscas youth services program.

Establishes the 16-member tobacco prevention and control program review committee to ensure that program priorities are established consistent with the Colorado tobacco prevention and control strategic plan, to oversee program strategies and activities, and to oversee the program.

Prevention, early detection, and treatment fund

- Annually allocates up to \$5 million for breast and cervical cancer screenings and treatment.
- Annually allocates 15% of the amount remaining for a newly created health disparities grant program to provide financial support for statewide initiatives that address prevention, early detection, and treatment of cancer and cardiovascular and pulmonary diseases in underrepresented populations.
- For fiscal years 2005-06 and 2006-07, allocates \$2 million for medicaid disease management programs that address cancer, heart disease, and lung disease.
- Allocates the moneys remaining in this fund to the cancer, cardiovascular

disease, and chronic pulmonary disease prevention, early detection, and treatment program, which is a newly created competitive grant program that provides funding for programs and initiatives that provide evidence-based education and intervention strategies for cancer, cardiovascular disease, and chronic pulmonary disease prevention, early detection, and treatment.

Establishes a 16-member review committee to oversee the competitive grant program. Requires a minimum of 10% of the moneys annually awarded to be directed to projects impacting rural areas as part of the Governor's rural healthcare initiative.

Makes various adjustments to the 2004 and 2005 general appropriation acts to implement the act.

Provides that provisions of the act are contingent on the passage of House Bill 05-1261.

APPROVED by Governor June 2, 2005 **PORTIONS EFFECTIVE** June 2, 2005
PORTIONS EFFECTIVE January 1, 2006

NOTE: House Bill 05-1261 was signed by the governor June 2, 2005.

H.B. 05-1275 Redevelopment of contaminated land income tax credit - extension.
Extends the income tax credit for redevelopment of contaminated land.

Extends the automatic repeal date from December 31, 2010, to December 31, 2015.

APPROVED by Governor June 7, 2005 **EFFECTIVE** June 7, 2005

H.B. 05-1289 Property tax - residential property - ratio of valuation for assessment.
Sets the ratio of valuation for assessment for residential real property for the 2005 and 2006 property tax years at 7.96% of actual value.

APPROVED by Governor May 27, 2005 **EFFECTIVE** May 27, 2005

H.B. 05-1290 Income tax credits - vehicles using alternative fuels. Maintains the amounts of the tax credits for the purchase of vehicles using alternative fuels, which would otherwise be reduced in the year 2006, until the year 2009, and extends the tax credits, which would otherwise expire in the year 2009, to the year 2011, as follows:

	Tax years commencing on or after July 1, 1998, but prior to January 1, 2007	Tax years commencing on or after January 1, 2007, but prior to January 1, 2010	Tax years commencing on or after January 1, 2010, but prior to January 1, 2012

Vehicle certification level	Amount of tax credit, as a percentage of the difference in cost between a traditional-fuel and alternative-fuel vehicle		
Low-emitting vehicle	50%	50%	25%
Ultra-low-emitting vehicle or inherently low-emitting vehicle	75%	75%	50%
Zero-emitting vehicle	85%	85%	75%

APPROVED by Governor June 1, 2005

EFFECTIVE August 8, 2005

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 05-1299 Income tax - voluntary contribution programs - modification of limitations - hearings - minimum amount collected - maximum number of programs. Eliminates the provision that directs a committee of reference in each house of the general assembly to hold a hearing prior to the termination, continuation, or reestablishment of a voluntary contribution program.

Reduces to \$75,000 the minimum amount that each voluntary contribution program is required to receive for each income tax year that the voluntary contribution program appears on the state income tax return form in order to remain on the form in the following income tax year.

Expands to 15 the maximum number of voluntary contribution programs that are allowed to appear on the state income tax return form for any income tax year.

APPROVED by Governor June 1, 2005

EFFECTIVE August 8, 2005

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 05-1314 Income tax - tax credit for aircraft manufacturers that employ new employees. Allows any airport in the state to register with the Colorado office of economic development (office) to become an aviation development zone.

For income tax years commencing on or after January 1, 2006, but before January 1, 2017, allows any aircraft manufacturer that is located in an aviation development zone, that employs at least 10 full-time employees within the zone, and that hires one or more new employees during the income tax year an income tax credit in an amount equal to \$1,200 for each new employee working within the zone, prorated according to the number of months the new employee was employed by the

aircraft manufacturer during the income tax year. Specifies that the credit shall be allowed for a maximum of 12 consecutive months for each new employee employed by an aircraft manufacturer.

Specifies the method by which the total number of new employees hired during an income tax year shall be calculated for an aircraft manufacturer that is not located in the state or in an aviation development zone prior to January 1, 2006. Specifies the method by which the total number of new employees hired during an income tax year shall be calculated for an aircraft manufacturer that already operates a facility in an aviation development zone on January 1, 2006, or that opens a facility in an aviation development zone to replace another facility in or outside of an aviation development zone at which the aircraft manufacturer discontinued operations before the close of the first income tax year in which the income tax credit is allowed.

States that the amount of the income tax credit not used as an offset against income taxes in the income tax year for which the credit is claimed shall not be allowed as a refund but may be carried forward as a credit against subsequent years' tax liability.

Directs the executive director of the department of revenue to promulgate rules necessary to administer the income tax credit.

Requires any aircraft manufacturer that claims an income tax credit for one or more new employees to submit an annual progress report including specified information to the office and the department of revenue. Directs the office to include the information from aircraft manufacturers in an annual report to the general assembly.

APPROVED by Governor June 8, 2005

EFFECTIVE August 8, 2005

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 05-1317 Income tax - temporary rate reduction - refund of state revenues in excess of the limitation of state fiscal year spending. For any state fiscal year commencing on or after July 1, 2010, requires a temporary reduction of the state income tax rate from 4.63% to 4.5% of federal taxable income to refund a portion of the excess state revenues that are required to be refunded pursuant to the taxpayer's bill of rights as contained in the state constitution (TABOR), if the amount of state revenues in excess of the limitation on state fiscal year spending imposed by TABOR that are required to be refunded for such state fiscal year exceeds the estimated amount by which state revenues would be decreased as the result of such reduction in the state income tax rate. Specifies that the state income tax rate shall be reduced for the income tax year commencing during the calendar year in which the state fiscal year for which there were excess state revenues ended.

Requires the executive director of the department of revenue (executive director) to estimate, by a specified deadline, the amount by which state revenues would be decreased as the result of a reduction in the state income tax rate from 4.63% to 4.5% of federal taxable income.

Specifies that if one or more ballot questions are submitted to the voters at a statewide election held in November of any given calendar year that seek authorization for the state to retain and spend all or any portion of the amount of excess state revenues for the state fiscal year ending during said calendar year, the executive director shall not reduce the state income tax rate unless, after the results of said election, the amount of excess state revenues required to be refunded exceeds the estimated amount by which state revenues would be decreased as a result of a reduction in the state income tax rate from 4.63% to 4.5% of federal taxable income.

Requires the executive director to use the most recent data available from legislative council staff in estimating the amount by which state revenues would be decreased as the result of a reduction in the state income tax rate. Requires the executive director to notify the executive committee of the legislative council of the decrease in state revenues estimated and the basis for such estimate. Directs the executive committee to review and approve or disapprove such estimated amount. Specifies procedures to be followed in the event that the executive committee does not approve of the estimated amount.

Requires an income tax rate adjustment to be made by rules promulgated by the executive director.

Specifies that the state income tax rate reduction shall not take effect if the amount of excess state revenues for a state fiscal year that the state is not authorized to retain and spend is less than the estimated amount by which state revenues would be decreased as the result of a reduction in the state income tax rate.

In state fiscal years when the state income tax rate is authorized to be temporarily reduced as a means of refunding excess state revenues as required by TABOR, specifies that the temporary income tax rate reduction shall be allowed before any other method of refunding excess state revenues specified by law is triggered.

States that the general assembly finds and declares that a temporary state income tax rate reduction is a reasonable method of refunding a portion of the excess state revenues required to be refunded in accordance with TABOR.

States that the act is contingent upon the passage of House Bill 05-1194 and its approval by the voters and proclamation by the governor.

APPROVED by Governor June 6, 2005

EFFECTIVE See note below

NOTE: House Bill 05-1194 was passed by the general assembly and will appear on the ballot at the November 2005 odd-year election. If approved, it will become effective upon proclamation of the governor, which will occur in either December of 2005 or January of 2006.

TRANSPORTATION

S.B. 05-41 Highway users tax fund revenues - allocation. Authorizes the state treasurer to continue allocating certain highway users tax fund revenues, the proper manner of allocation of which is not currently specified by law, in the same manner in which the state treasurer has been allocating the revenues in the absence of such explicit authorization. Makes conforming amendments.

APPROVED by Governor April 5, 2005

EFFECTIVE April 5, 2005

S.B. 05-97 Public highway authorities - administrative toll enforcement process. Authorizes a public highway authority (authority) to create an administrative toll enforcement process at the request of the judicial department. Specifies that the rules of an administrative toll enforcement process shall provide for notice to the person cited, an opportunity for an open hearing by an impartial hearing officer, and a right to appeal the administrative determination in court.

States that if an authority establishes an administrative toll enforcement process, no municipal or county court shall have jurisdiction to hear toll evasion cases arising on a public highway operated by the authority.

States that a toll evasion case may be adjudicated in an administrative hearing by an impartial hearing officer, who may be an administrative law judge employed by the state or an independent contractor of the authority. States that the contract for an independent contractor shall grant to the hearing officer the same degree of independence granted to an administrative law judge employed by the state. Allows an authority to enter into contracts with other governments for joint adjudication of toll evasion cases.

Allows an authority to file a copy of an order imposing a toll, fee, and civil penalty for toll evasion with a county court. Directs the clerk of the court to record the order in the court's judgment book and judgment docket. States that the order shall have the effect of a judgment of the county court.

Subjects administrative decisions in toll evasion cases to judicial review. States that the administrative adjudication may be appealed as to matters of law and fact to county court and that the appeal shall be a review on the record of the administrative adjudication and not a de novo hearing.

Imposes liability for a toll evasion detected using automatic vehicle identification technology on the registered owner of the vehicle; except that an owner who is engaged in the business of leasing or renting motor vehicles may avoid liability for the toll evasion by obtaining payment from the person who leased or rented the vehicle at the time of the toll evasion for forwarding to the authority or by providing sufficient information to the authority about the person who leased or rented the vehicle.

Authorizes courts and authorities to report outstanding tolls, fees, and civil penalties to the department of revenue. Directs the department not to renew the registration of a vehicle owned by a person who fails to pay a toll, fee, and civil penalty. Directs the authority to contract with and compensate a vendor approved

by the department for the direct costs associated with the nonrenewal of a vehicle registration.

Repeals the provision stating that a person with an outstanding judgment or warrant for toll evasion may not obtain or renew a driver's license.

APPROVED by Governor June 1, 2005 **PORTIONS EFFECTIVE** June 1, 2005
PORTIONS EFFECTIVE April 1, 2006

S.B. 05-230 Private toll road corporations - elimination of eminent domain power. Specifies that a corporation formed for the purposes of constructing a private toll road or toll highway (corporation) shall not have the power to use eminent domain to acquire right-of-way for the toll road or toll highway, but that a corporation may enter into an agreement with a public entity to enable the construction of a toll road or toll highway.

For the purpose of allowing the state to reap the benefits of private construction of toll roads or toll highways while protecting the rights of the property owners and taxpayers of the state and minimizing the adverse environmental impacts resulting from the construction and operation of a toll road or toll highway, encourages the transportation legislation review committee to examine existing laws that allow the construction of private toll roads and toll highways during the 2005 legislative interim and to make one or more recommendations to the legislative council of the general assembly.

VETOED by Governor June 3, 2005

H.B. 05-1064 Regional transportation authorities - authorization - requirements for formation. Changes the "Rural Transportation Authority Law" to the "Regional Transportation Authority Law" to allow any combination of 2 or more counties or municipalities, or both (combination), including any combination of counties or municipalities within the Denver metropolitan area that cannot currently form rural transportation authorities, to create, by a contract that takes effect only if submitted to and approved by the registered electors residing within the boundaries of the proposed authority, a regional transportation authority (authority) for the purpose of providing regional transportation systems. Clarifies that while rights-of-way included within a regional transportation system must generally be considered public rights-of-way for purposes of the location of utilities owned by persons other than the authority, no right-of-way that is within the regional transportation district (RTD) that is not publicly dedicated right-of-way by a municipality, a county, or the state shall be considered public right-of-way as a result of its inclusion in the district.

Requires a combination joining to create an authority to provide for comment a copy of the contract creating the authority to the department of transportation (department), each county or municipality that includes territory that would border the territory of the authority, the RTD if the territory of the authority would include or border territory of the RTD, and any public highway authority if the territory of the authority would intersect with or be likely to divert traffic to or from a toll

highway operated by the public highway authority. If, within 90 days after a copy of the contract is provided, the department, the RTD, a county or a municipality, or a public highway authority informs the combination that any portions of the regional transportation systems proposed by the contract that involve road construction or improvement and that are on, alter the physical structure of, or negatively impact safe operation of any highway, road, or street under its jurisdiction or will provide mass transportation services that impact the affected entity, then, if the affected entity so requests, requires the combination to enter into an intergovernmental agreement with the affected entity concerning the identified portions or mass transportation services within 180 days after the provision of the contract or to eliminate those portions or services from the list of projects specified in the contract before it submits the contract to a vote of the appropriate registered electors. Requires an entity requesting that an intergovernmental agreement be entered into or that portions of a regional transportation system be eliminated due to a negative impact to safe operation of a highway, road, or street to provide, at the time of the request, evidence of the negative impact.

Requires an intergovernmental agreement to address coordination of effort and financing issues, and allows an authority to construct a regional transportation system that would alter the state highway system or the interstate system only as authorized by the intergovernmental agreement. Specifies that an authority that includes territory that is within the RTD must levy any new tax only in designated portions of its territory that are comprised of entire territories of members of the combination so that the rate of tax imposed by the authority within the territory of any single member of the combination is uniform. Allows the board of the RTD to establish local improvement districts in any authority located in whole or in part within the boundaries of the RTD.

Specifies that moneys generated by an authority shall not supplant existing or budgeted department funding except as described in an intergovernmental agreement. Specifies that a local government whose jurisdiction includes territory within an authority may create, permit, or contract streetscape enhancements within that territory.

APPROVED by Governor June 3, 2005

EFFECTIVE January 1, 2006

H.B. 05-1148 Statewide tolling enterprise - toll highway systems - local involvement - toll exemptions and reductions. Establishes a separate account within the statewide tolling enterprise special revenue fund for toll revenues from each toll highway system. Requires toll revenues to be used within the toll highway system in which they were collected and for the enterprise's general operating costs and expenses. Permits toll revenues to be used for the acquisition of land within a toll highway corridor.

Involves a metropolitan planning organization or regional planning commission in the construction of a toll highway system. Establishes a way for a local government to consult with the board of the statewide tolling enterprise (board) about issues relating to a toll highway or toll highway system.

Exempts public transportation vehicles from tolls. Permits the board to

reduce or eliminate the toll for high occupancy vehicles.

APPROVED by Governor June 3, 2005

EFFECTIVE August 8, 2005

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 05-1196 Highway users tax fund - extension of authorization for appropriations from the fund to the department of revenue - appropriation. Extends through the 2006-07 state fiscal year the authority of the general assembly to make appropriations from the highway users tax fund to the department of revenue (department) for certain expenses incurred in connection with the administration and motor vehicle division (division) expenses of the motor vehicle business group within the department.

Adjusts the appropriations made in the 2005 general appropriation act to the department for fiscal year 2005-06 by:

- Decreasing the general fund appropriation to the division of the department for personal services by \$8,948,375; and
- Increasing the cash funds exempt appropriation from the highway users tax fund to the division for personal services by \$8,948,375.

Became Law June 9, 2005

EFFECTIVE June 9, 2005

H.B. 05-1342 Private toll roads - prerequisites to construction - construction standards. Requires a corporation formed for the purposes of constructing a private toll road or toll highway (corporation) to:

- Specify in its certificate of incorporation a proposed route for the toll road or toll highway within 3 miles;
- Commence work on the toll road or toll highway within 3 years after incorporating and continue the work until it has expended at least \$500,000 or forfeit all rights acquired under its certificate of incorporation and be administratively dissolved;
- Comply with all department of transportation standards for state transportation projects when planning, constructing, and maintaining a toll highway;
- Before constructing and operating a toll road or toll highway, undertake, at its own expense, the analysis and receive the approvals that would be required for any new segment of a federal interstate highway, including but not limited to: Certification by the executive director of the department of transportation (executive director) that all applicable required regional transportation and statewide transportation plans approved by the transportation commission (commission) include the toll road or toll highway and that the corporation has prepared an environmental, economic, and social impact analysis that meets all substantive and approval requirements imposed by specified federal laws and regulations; identification and implementation of all mitigation measures required by specified

- federal regulations; and transportation planning region approval with attendant incorporation into regional and statewide transportation plans of the proposed toll road or toll highway and the mitigation and financial plans prepared by the corporation;
- Bear the responsibility for defending any legal challenge filed in a court to the adequacy of an impact analysis;
- Within 45 days following its incorporation, provide written individual notice through a specified process to each person who owns real property within the route specified in the certificate of incorporation of the intent of the corporation to construct a toll road or toll highway and, if applicable, to acquire the person's real property, and record the notice with the office of the clerk and recorder of the county that includes the real property;
- File a disclaimer of interest with the clerk and recorder's office in the county of residence of each person to whom the corporation provided written notice that expressly states that the certificate of incorporation does not effect an interest in the person's real property within the route specified in the certificate of incorporation;
- Comply with certain standards, procedures, and other requirements specified in the act; and
- Obtain plan and land use approval from the board of county commissioners of the county in which property to be affected by the construction is located.

Specifies that a toll road or toll highway shall be included by amendment in an applicable regional and statewide transportation plan only if:

- The corporation has complied with all planning, construction, maintenance, and environmental mitigation standards and requirements specified in or developed in accordance with the act;
- The applicable transportation planning region and the department of transportation certify that the taxpayers of the state or any county will not bear any direct or indirect costs resulting from the construction, operation, or maintenance of the toll road or toll highway; and
- The corporation establishes to the satisfaction of the commission that the proposed toll road or toll highway is financially viable and the corporation has or can obtain sufficient financial resources to construct, operate, and maintain the toll road or toll highway.

Requires a corporation that has previously filed a certificate of incorporation that does not comply with the new notice and disclaimer of interest requirements of the act to file a new or amended certificate of incorporation within 30 days of the date the new requirements take effect that certifies that the corporation will satisfy the requirements. Specifies that if a corporation is sold or sells its interest in a toll road or toll highway or real property obtained for the purpose of constructing or operating a toll road or toll highway, the purchaser shall use any real property purchased only for the purpose of constructing or operating a toll road or toll highway.

Allows the executive director to charge a fee to a corporation to cover the reasonable expenses incurred by the executive director and the department in determining whether to grant any approval or certification required to be obtained

from the executive director. Requires a corporation to provide written notification to the commission of its intent to sell a property interest in a toll road or toll highway. Allows the commission, within 45 days following notification, to adopt a resolution that prohibits the corporation from completing the sale of the property interest, and allows the corporation to complete the sale of the property interest if the commission does not adopt such a resolution.

VETOED by Governor June 6, 2005

WATER AND IRRIGATION

S.B. 05-11 Federal funds - project eligibility lists - approval - intended use plan repeal. Clarifies the definition of "water pollution control project eligibility list". Approves listed proposed wastewater treatment system, stormwater, and nonpoint source pollution reduction projects as additions, modifications, or deletions to the water pollution control project eligibility list. Approves listed proposed drinking water projects as additions or modifications to or deletions from the drinking water project eligibility list. Repeals statutory requirements for the intended use plans developed in connection with the 2 lists.

APPROVED by Governor March 23, 2005

EFFECTIVE March 23, 2005

S.B. 05-33 Federal funds - project eligibility lists - approval. Requires additions or modifications to the project eligibility lists for the water pollution control revolving fund and the drinking water revolving fund to be approved by joint resolution to be presented to the governor by April 1.

APPROVED by Governor April 14, 2005

EFFECTIVE January 1, 2006

S.B. 05-84 Colorado water conservation board construction fund - projects authorization - appropriation. Authorizes the expenditure of moneys from the Colorado water conservation board construction fund (fund) and the severance tax trust fund perpetual base account for certain enumerated water projects. Changes the amounts authorized for certain projects in previous years.

Appropriates moneys from the fund for the following:

- Satellite monitoring and data collection;
- Satellite monitoring system maintenance;
- In-stream flow engineering support services;
- Continuation of the South Platte decision support system;
- Continuation of the document imaging system and integrated water information center;
- Continuation of the Colorado floodplain map modernization;
- Continuation of the weather modification program;
- Enhanced snowpack assessment program;
- Continuation of the flood hazard mitigation program;
- Floodplain technical services;
- Republican river water conservation district operations;
- Oak creek reservoir feasibility study;
- Arkansas valley drainage study;
- Continuation of the statewide water supply initiative; and
- Conservation reserve enhancement program.

Restores the balance in the flood response fund to \$150,000.

APPROVED by Governor June 1, 2005

EFFECTIVE June 1, 2005

S.B. 05-133 Loans of water right - retention of water right. Specifies that participation by a water right or a portion of a water right in an approved water conservation program, a land fallowing, or a water banking program overcomes the presumption of abandonment of that water right.

APPROVED by Governor April 14, 2005

EFFECTIVE April 14, 2005

S.B. 05-161 Ground water - regulation of wells - examination for private driller. Eliminates the requirement that a private driller and a private pump installer must take and pass an examination prior to installing a well on the private driller's or private pump installer's property entirely for the private driller's or private pump installer's own use.

APPROVED by Governor April 6, 2005

EFFECTIVE April 6, 2005

H.B. 05-1039 Water rights - instream flows - loans - limitations. Deletes the limitation that loans of water rights to the Colorado water conservation board for instream flow purposes may be made only when the governor declares an emergency. Allows the loans to operate for no more than 3 years out of 10. Allows a second 10-year period if the loan was not exercised during the initial 10-year period.

APPROVED by Governor March 25, 2005

EFFECTIVE August 8, 2005

NOTE: This act was passed without a safety clause. For further explanation concerning the effective date, see page vi of this digest.

H.B. 05-1070 Conservation - invalidation of restrictive covenants - public landscaping irrigation restriction - use of construction fund. Invalidates restrictive covenants that prohibit or limit the use of xeriscape landscaping or that require cultivated vegetation to include turf grass. Prohibits landscape irrigation at public facilities between the hours of 10 a.m. and 6 p.m. when feasible. Authorizes the Colorado water conservation board construction fund to be used for conservation projects.

VETOED by Governor May 31, 2005

H.B. 05-1156 Water rights - adjudication - notice - water resume. Allows rulings by the referee to be sent by regular or electronic mail rather than certified or registered mail. Effective January 1, 2006: Directs the water clerk to make the resume of water adjudication applications available on the internet rather than to mail the resumes unless the referee has reason to believe a person would be affected by the application, in which case the referee or the water clerk is directed to send a copy of the resume by mail or electronic mail to such person; directs the water clerk to provide a paper copy of the resume to a person upon payment of a fee; requires newspapers in which the water clerk determines the resume should be published to bill the applicants for publication costs rather than the water clerk; and requires

applicants, rather than the water clerk, to notify potentially affected landowners of the application.

APPROVED by Governor April 5, 2005

PORTIONS EFFECTIVE April 5, 2005
PORTIONS EFFECTIVE January 1, 2006

H.B. 05-1177 Interbasin compacts - basin roundtables - compact committee - director of negotiations - appropriation. Creates and specifies membership qualifications for basin roundtables in each of the 7 water divisions, the North Platte roundtable, and the Denver metropolitan area roundtable. Authorizes each roundtable to adopt by-laws, develop a water needs and supply analysis for its basin, and select 2 representatives to serve on the interbasin compact committee ("committee"). Authorizes the governor to appoint 6 committee members, including one director of compact negotiations. Specifies qualifications for the governor's appointments to the committee. Authorizes the director of compact negotiations to oversee the expenditure of moneys appropriated pursuant to the act. Requires the committee to adopt and refer to the general assembly for approval by bill a charter to govern interbasin compact negotiations. Requires the charter to specify the means for making interbasin compacts, negotiated between basins by the basin roundtables, legally binding. Requires the committee to establish and oversee a public education and outreach process and to annually report to the general assembly on the status of interbasin compact negotiations.

Appropriates \$247,044 from the operational account of the severance tax trust fund to the department of natural resources for allocation to the Colorado water conservation board for the implementation of the act.

APPROVED by Governor June 7, 2005

EFFECTIVE June 7, 2005

H.B. 05-1254 Water efficiency grant program - creation - duration - eligibility for grant awards - funds from severance tax trust fund operational account reserve - appropriation. Establishes a water efficiency grant program (grant program) to provide funding over a 3-year period to aid in achieving the water efficiency goals outlined in locally adopted water conservation plans and in promoting the benefits of water efficiency. Creates the water efficiency grant program cash fund (cash fund) and requires the state treasurer to transfer \$1,580,000 from the operational account reserve in the severance tax trust fund to the cash fund on July 1, 2005.

Requires the general assembly to annually appropriate up to \$500,000 from the cash fund in the 2005-06, 2006-07, and 2007-08 fiscal years to the Colorado water conservation board (board) for distribution of grants pursuant to the grant program. If less than \$500,000 is appropriated in the 2005-06 or 2006-07 fiscal year, the difference between \$500,000 and the actual amount appropriated or expended in that fiscal year is to be available for appropriation and expenditure in the next fiscal year. Also requires the general assembly to appropriate not more than \$80,000 over the 3-year period of the grant program to the board to cover its administration costs.

Limits grants to applicants who supply, distribute, or otherwise provide water

at retail to customers or who establish outreach or education programs to demonstrate the benefits of water efficiency.

Requires the board to establish guidelines for the grant program if no other applicable guidelines exist, and specifies that the guidelines are to include deadlines and procedures for applicants to follow and criteria for prioritizing and awarding grants. Repeals the grant program on July 1, 2008.

Appropriates \$544,147 to the Colorado water conservation board for implementation of this act.

APPROVED by Governor June 7, 2005

EFFECTIVE June 7, 2005

PROPOSED CONSTITUTIONAL AMENDMENTS

S.C.R. 05-005 Recall elections - protests of recall petitions - combining recall and general elections. Amends the provision of the state constitution on recall elections as follows:

- Eliminates the deadlines for filing a protest of a recall petition, fixing a time for a hearing on the protest, holding a hearing on the protest, and refiling an amended recall petition.
- States that protests and hearings on recall petitions shall be conducted in the manner prescribed by law.
- States that, if a general election is to be held between 50 and 90 days after the time for filing a protest has passed and all protests have been finally decided, the recall election shall be held as part of the general election.

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